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EA-87-02



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: VI

DATE: Tuesday, May 17th, 1988

BEFORE:

M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St.
Thunder Bay, Ontario, on Tuesday,
May 17th, 1988, commencing
at 9:30 a.m.

VOLUME VI

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
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MR. R. COSMAN)	ASSOCIATION and ONTARIOO
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MR. J. WILLIAMS	ONTARIO FEDERATION OF
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MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL
	COUNCIL
MR. F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
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APPEARANCES: (Cont'd)

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NORTHWESTERN ONTARIO
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I N D E X O F P R O C E E D I N G S

Witness:

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RICHARD M. MONZON,
LARRY A. DOUGLAS, Resumed

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Continued Cross-Examination by Mr. Castrilli

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I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
18	MNR answers to CELA's interrogatories to Panel 1	838
18A	Amendment to CELA's interrogatories to Panel 1	838
19	Integrated Resource Management, The Status Report for Executive Management Committee, dated July 4, 1984.	867
20	MNR Draft Preliminary Report on Integrated Resoure Management dated February, 1984.	873
21	MNR-11 Exemption pursuant to the Environmental Assessment Act.	912
22	Kenora District Land Use Guidelines dated 1983.	944
23	Lake of the Woods General Land Use Plan dated November, 1977.	946
24	Excerpt from the final report and recommendations of the Royal Commission on the Northern. Environment known as the Falgren Report, commencing with Chapter 8 and continuing for 27 pages.	968

1 ---Upon commencing at 9:35 a.m.

2 THE CHAIRMAN: Thank you, ladies and
3 gentlemen. Good morning. Please be seated.

4 I think we will break from the usual
5 practice of the Board, since it is going to be a very
6 long hearing, and allow coffee or tea in the hearing
7 room - not that all of you have not being taken
8 advantage of it - I guess I am saying that basically so
9 the panel can take advantage of it as well.

10 Again, I think at a hearing of this
11 nature it is appropriate to break from some of the more
12 traditional rules that the Board does follow.

13 Now, I wonder, Mr. Castrilli, just before
14 we commence with your cross-examination, if we might
15 just take a few minutes to deal with that issue that we
16 talked about yesterday which was the possible scoping
17 of issues, if we can.

18 MR. FREIDIN: I am wondering if we can
19 leave that until tomorrow. I have spoken to Kate
20 Murphy who has actually been, I think, discussing that
21 matter with a number of counsel - not all perhaps - but
22 we were thinking that perhaps we could -- seeing
23 tomorrow is going to be the morning we are going to
24 deal with the forest/timber matter, we can deal with
25 all of these matters perhaps at the same time.

1 THE CHAIRMAN: Okay. Perhaps that would
2 be better, Mr. Freidin.

3 Okay. Is there anything else before we
4 start in with the continuation of this
5 cross-examination?

6 (No response)

7 Okay, Mr. Castrilli.

8 MR. CASTRILLI: Thank you, Mr. Chairman.

9 RICHARD MONZON,
10 LARRY DOUGLAS, Resumed

11 CROSS-EXAMINATION BY MR. CASTRILLI: (Cont'd)

12 Q. Good morning, Mr. Douglas, Mr.
13 Monzon. Mr. Douglas I would like to continue with you.

14 I would just like to see if we could
15 summarize to this point where we are at the end of
16 yesterday.

17 MR. DOUGLAS: A. Perhaps I could follow
18 up on the two questions that were left with me at the
19 end of the day, with the Board's permission?

20 THE CHAIRMAN: Go ahead.

21 MR. DOUGLAS: Yes. Yesterday Mr.
22 Castrilli identified a number of references in the
23 Baskerville Audit on page 68 and 69 which reference was
24 made to the Framework for Resource Management Planning.

25 I responded that Dr. Baskerville had

1 reviewed the document near completion of his work and I
2 indicated that I believed there was a reference in the
3 report to that.

4 I would like to read into the record the
5 bottom paragraph on page 69 and the first sentence that
6 continues on to page 70.

7 The paragraph begins on page 79 by saying:

8 "The above may be an over-interpretation
9 of what the authors of the framework
10 document believe to be real management
11 planning. The document came to light
12 late in this audit and the authors were
13 not interviewed."

14 So that was the passage which I could not
15 recall yesterday but which is in the document.

16 Not to leave this out of context, I want
17 to complete that paragraph and indicate that Dr.
18 Baskerville added:

19 "However, no matter how pure the
20 intentions, the result of the quality of
21 resource management planning ignores or
22 is unaware of the fact that resource
23 really is a complex dynamic biological
24 system."

25 In reference to that last sentence, I

1 would like to recall -- the Board recall the
2 description of the framework, how that document was
3 intended to be used in terms of providing certain
4 standards and principles for development of the
5 planning manuals and that, in fact, the decisions on
6 exactly which activities were to be undertaken to
7 achieve what objectives would be found in the
8 individual resource management plans.

9 I also would like to indicate, as I
10 previously stated, that because of this general concern
11 of Dr. Baskerville, there were revisions made to the
12 Timber Management Class Environmental Assessment when
13 we revised it in June of 1987.

14 Particular reference to Stage 2 in the
15 planning process to which we clearly identify
16 objectives and strategies was that response.

17 Now, the Board will get a great deal of
18 explanation of how that system works in Panel No. 15,
19 so I won't elaborate on it here.

20 The second matter that was raised was the
21 response to Environment Canada. As you recall, there
22 was some concerns raised by a Mr. Huntley and we wrote
23 back to Mr. Llewellyn.

24 There were changes made between the
25 original '75 document in which the comments were made

1 and the '87 revision which we believe covers those
2 concerns raised by Mr. Huntley in respect to Canadian
3 Wildlife Service.

4 For example, on page 112, line 25 to 28,
5 that indicates that additional inventory information is
6 available from regular resource inventories undertaken
7 by various MNR programs or other published sources.

8 Some of the material identified by Mr.
9 Huntley would fall under "other published sources".

10 MR. MARTEL: What page are you at?
11 Excuse me, what page are you at?

12 MR. DOUGLAS: This is the Environmental
13 Assessment Document itself, page 112, and my first
14 reference is to lines 25 to 28.

15 So there is a point there which says that
16 we would rely on other published sources, not just MNR
17 material.

18 As well, if you turn to page 113, the
19 second paragraph, I believe lines 8 to 13, again it
20 says:

21 "Other government ministries or agencies
22 may serve as sources of additional
23 inventory information."

24 Now, the examples that we put in that
25 paragraph identify Ontario ministries, but the word

1 'agencies' was meant to include agencies such as the
2 Canadian Wildlife Service.

3 So again, there is a second reference to
4 including materials outside of MNR's mandate in
5 developing that information base.

6 Again, we separated as well government
7 agencies in one paragraph versus other external
8 participants. Canadian Wildlife Service had indicated
9 earlier that they believe that there should be at least
10 a canvassing of government agencies first. So that
11 change was made.

12 As well, on the same page, 113, lines 27
13 and 28. In order that there be no confusion about how
14 broadly the information base is canvassed, lines 27 and
15 28 says:

16 "In this step of the planning process;
17 i.e., background information assembly,
18 all background information from all
19 available sources is reviewed and updated
20 as required."

21 I believe those changes deal with the
22 concerns of Mr. Huntley. The only possible exception
23 is in the paragraph in lines 8 to 13 on page 113, the
24 Canadian Wildlife Service is not specifically
25 referenced.

1 Now, if the Board so wishes, we would be
2 quite pleased to make the suggestion to the Board that
3 we insert the Canadian Wildlife Service in that list.
4 We had no intention to be all inclusive in that list,
5 but if that meets a concern, MNR would be quite
6 prepared and happy to include it because that was
7 always the intent.

8 THE CHAIRMAN: Well, Mr. Freidin and Mr.
9 Castrilli, as we proceed through this case, if there is
10 going to be suggested amendments to the EA itself,
11 would they be incorporated in terms of -- in part of
12 the evidence before the Board or would they be
13 incorporated by way of some kind of formal amendment
14 whereby you might expect the Board to make some kind of
15 formal statement that the EA, as amended, by inserting
16 such and such?

17 As you are aware, it is usual and it
18 happens occasionally that the EA documentation is
19 amended in terms of the process as it goes through the
20 Board. It can be the subject of amendment.

21 But I am just wondering if you have any
22 views as to how this should be accomplished in
23 connection with this particular hearing?

24 MR. CASTRILLI: Perhaps Mr. Freidin could
25 speak first.

1 MR. FREIDIN: I am not sure whether it
2 would be a problem. My initial reaction is that if
3 there is an undertaking, such as the one just given, it
4 could be dealt with as, perhaps, a term or condition of
5 the approval that undertaking be met as opposed to
6 having a formal amendment to the document.

7 I am just concerned about having a formal
8 amendment to the document and what that might mean in
9 terms of procedures under the Act for amendments.

10 THE CHAIRMAN: Right.

11 Mr. Cosman?

12 MR. COSMAN: Yes, thank you, Mr.
13 Chairman.

14 I know that we, for example, will be
15 making suggestions for amendment as we proceed through
16 the months ahead as well, and I don't know from a
17 practical solution what -- or, perhaps a practical way
18 of dealing with it whether we should just keep a
19 separate list on our own.

20 But I agree with Mr. Freidin, it will
21 create difficult problems with respect to circulation
22 and notice if amendment were made.

23 But if something should arise and the
24 various parties could, as we have heard just now, make
25 some suggestions and if the Board kept such lists, at

1 the end of the day, we would argue for whatever
2 position we want.

3 THE CHAIRMAN: Perhaps that would be the
4 best way because, as you are aware, should the
5 application receive approval from the Board, it would
6 generally be couched in wording as the EA as submitted
7 and as amended is approved, subject to conditions of
8 approval, et cetera. That is the way it might be
9 handled in terms of the decision on the application.

10 But I guess it is, to some extent, a
11 matter of keeping track as we go along of what matters
12 are put forward to the Board as possible amendments to
13 the documentation as we go through.

14 Mr. Hunter?

15 MR. HUNTER: Mr. Chairman, this is a
16 matter of some concern. You may recall in the
17 preliminary hearings this issue arose in relationship
18 to materials that might be presented with respect to my
19 client.

20 I do not have the transcript here, but if
21 you allow me to paraphrase, Ms. Murphy at that time
22 said that MNR was not going to be providing any
23 amendments. In other words, what we were dealing with
24 with was the document itself and the evidence that they
25 presented during the course of this hearing.

1 I am proceeding on the basis that MNR
2 will not be bringing any amendments to the Act.

3 THE CHAIRMAN: To the application?

4 MR. HUNTER: I am sorry, to the
5 application. And it is our focus to you to try to
6 persuade you to either reject that document and/or
7 bring in terms and conditions. That's what I see as
8 the amending process.

9 This hearing is the process hopefully,
10 which will amend that document, but will be amended
11 through the assertions made by myself and presumably
12 other parties, but it is not MNR's job at this point to
13 amend the document.

14 If I am wrong, I would like to know that
15 because that was substantially, in effect, how we
16 approached the hearing.

17 THE CHAIRMAN: Well, I do not think you
18 are wrong in the sense that, I am not suggesting that
19 it is up to MNR to amend the document or not amend the
20 document.

21 What I am saying is, is that as you
22 know - I wonder if I have the Act in front of me - the
23 Board is holding a hearing with respect to the
24 acceptance or amendment and acceptance of the
25 environmental assessment, amongst other things.

1 MR. HUNTER: Yes.

2 THE CHAIRMAN: And so that as part of the
3 Board's decision at the end of the day, the document as
4 filed or as amended through the course of the
5 proceedings or in accordance with how the Board feels
6 it should be amended based on the evidence and
7 arguments made, could be, I suppose, approved; or
8 alternately, one of the decisions the Board would have
9 is to reject the assessment entirely.

10 And then you would not get to the second
11 matter that is before us for decision and that is
12 whether or not the undertaking should proceed.

13 MR. HUNTER: Well, perhaps -- I am
14 presuming that it is within the Board's authority to
15 amend the undertaking.

16 THE CHAIRMAN: Right.

17 MR. HUNTER: Mr. Freidin seems to me as
18 saying he will not bring in amendments or proposed
19 amendments over the course of this hearing.

20 MR. FREIDIN: To the undertaking.

21 THE CHAIRMAN: To the undertaking?

22 MR. HUNTER: Or to the documents which we
23 have before us. I mean, the undertaking is the class
24 assessment; the class assessment is composed of the
25 materials that have been filed by the proponent and his

1 evidence.

2 THE CHAIRMAN: And what about any of the
3 evidence adduced at the hearing itself?

4 MR. HUNTER: I am presuming that that
5 evidence will be within the 10 corners of the documents
6 which have been provided and that there will not be
7 anything in principle which would be substantially
8 different from that which has been presented by MNR.

9 THE CHAIRMAN: Well, that is perhaps
10 where we have some difficulty in what the Board's
11 understanding is of the environmental assessment and
12 the environmental assessment process.

13 Sorry, Mr. Castrilli, but we should
14 perhaps deal with this.

15 If the environmental assessment, Mr.
16 Hunter, is solely the documentation that's filed and
17 submitted to the Ministry, that occurs at some point in
18 time.

19 And, normally, under this particular
20 process, that point in time can be several years back
21 and the Board has held in a series of decisions that it
22 has made that that would unduly restrict the Board as
23 to making a decision based on evidence that is frozen,
24 in effect, at a point in time which is usually several
25 months or even years prior to when the hearing is

1 actually held.

2 And so, as a consequence, the Board has
3 held in the past that it views the environmental
4 assessment as the documentation which is filed and
5 submitted to the Minister and subject to review, et
6 cetera, as well as and in addition to the evidence that
7 is adduced at a hearing and admitted by the Board.

8 Now, there may be things that are adduced
9 at the hearing which are inadmissible for any number of
10 reasons - privilege being one or whatever - but the
11 evidence that is admitted by the Board at the hearing,
12 as well as the documentation, constitutes in the
13 Board's view the environmental assessment.

14 And otherwise you would be into a
15 position whereby there would not be the ability for the
16 Board to consider changes in technology or other things
17 that have occurred since the actual filing of the EA
18 Document which commences the process.

19 And so when you say that there cannot be
20 any amendments, certainly what is in the documentation
21 can be embellished, if you want to put it that way, by
22 oral evidence presented by witnesses or other
23 documentation brought in.

24 MR. HUNTER: I think we are together. I
25 am just concerned that there may be a line some place

1 in which MNR -- I guess we will have to simply deal
2 with it as it comes along, but I am concerned about...

3 THE CHAIRMAN: No, I think there is a
4 line. I think if the proponent in any case
5 substantially changes the undertaking - which is the
6 subject matter of the application before the Board - to
7 the point that, in effect, the parties do not have
8 notice what that undertaking is, that there would be a
9 line whereby the Board would have to say the
10 undertaking is so radically changed that, in effect, it
11 is a different undertaking.

12 MR. HUNTER: I think we are getting
13 closer, sir. my concern is that obviously MNR can
14 embellish on the undertaking through its evidence, but
15 my understanding is that MNR cannot amend the -- MNR
16 cannot amend the undertaking; is that correct, sir?

17 THE CHAIRMAN: I do not think that MNR
18 can amend the undertaking to change it to the extent
19 that it becomes a different undertaking.

20 MR. HUNTER: Okay.

21 THE CHAIRMAN: I do not know if I can go
22 much further than that. Certainly I think the
23 proponent, or other parties through the evidence that
24 they present to the Board, can have the practical
25 effect of - what is a good word to use - not just

1 embellish, but to further explain and further define
2 what the undertaking is so that the Board, when it
3 comes to the end of the road where it makes the
4 decision, is basing its decision on what we might term
5 as "the best evidence" in terms of the undertaking
6 itself.

7 MR. HUNTER: Thank you.

8 THE CHAIRMAN: I don't know if that
9 clears anything up.

10 MR. HUNTER: I have the answer that there
11 is a line between embellishment and amendment, I
12 presume we may have to deal with that on an
13 on-the-ground basis in terms of what MNR may or may not
14 lead at some point in time.

15 THE CHAIRMAN: Mr. Freidin, do you have
16 anything to add to that?

17 MR. FREIDIN: No, other than just to
18 indicate that I am sure there will be, in the length of
19 this hearing, situations where either some research
20 project is completed and the Ministry's view on
21 something that's in the document may change and I don't
22 want to lead evidence on that.

23 THE CHAIRMAN: That's the point.

24 MR. FREIDIN: That's the sort of thing I
25 want to be sure that we would not be estopped from

1 doing. I think that's normal.

2 THE CHAIRMAN: Well, I think it would not
3 lead to an appropriate decision-making process if
4 everything was frozen in point of time to documents
5 that have been filed, period; if you just couldn't
6 bring anything else in.

7 But, by the same token, I think we have
8 to be careful to draw the line, to say that what is
9 before the Board - if it is substantially changed so
10 that it is unfair to the parties - in terms of being
11 able to argue their positions because they are really
12 dealing with a different undertaking, so to speak.

13 Again, there is a fine line there
14 somewhere and I am not sure exactly how we can define
15 it at this point in time until you get an actual
16 situation before us.

17 MR. HUNTER: Thank you, Mr. Chairman.

18 THE CHAIRMAN: Mr. Castrilli?

19 MR. CASTRILLI: Thank you Mr. Chairman.

20 Q. Mr. Douglas, if we could perhaps
21 summarize to this point what took place yesterday to
22 see if I can confirm my understanding of your evidence
23 on certain matters.

24 Do you agree that data on non-timber
25 values for, as I call it, environmental inventory data

1 is important to the success of the Ministry of Natural
2 Resources' integrated resource management program and
3 the Class EA?

4 MR. DOUGLAS: A. Yes, the Ministry must
5 have data on other uses.

6 Q. Would you agree that it may be
7 appropriate and reasonable for the Board to require
8 further non-timber data -- non-timber value data than
9 the MNR has indicated it currently requires for
10 integrated resource management?

11 A. I am not sure that we can make that
12 determination at this point in time.

13 Q. Well, my question was couched as may.

14 A. Well, certainly the Board has the
15 ultimate discretion.

16 Q. So your answer is "yes"?

17 A. The Board may do that, yes.

18 Q. Just for the record, Mr. Douglas,
19 page 40 of your evidence - which is also the second
20 page of Document 3 - it would be the Roman numeral VI,
21 second paragraph on that page.

22 A. Mm-hmm.

23 Q. One of the principles of integrated
24 resource management is that there is a need for the
25 Ministry to take into account the environmental impacts

1 and consequences of its programs, plans and policies;
2 is that right?

3 A. That's correct.

4 Q. Thank you. Now, I understand from
5 your testimony yesterday and last week that resource
6 management planning is program specific and that each
7 program has specific geographic areas for which its
8 resource management plan is prepared, and I also
9 understand from your testimony that these management
10 units are normally smaller than an MNR administrative
11 district; is that correct?

12 A. That's generally the case, yes.

13 Q. Would it also be fair to say that not
14 only are management units smaller than an
15 administrative district, but some units overlap more
16 than one administrative district?

17 A. That can occur, yes.

18 Q. Would either yourself or Mr. Monzon
19 know how many management units are smaller than an
20 administrative district and how many overlap more than
21 one administrative district?

22 A. I certainly wouldn't offhand. I
23 would have to sit down and do the calculations with the
24 map.

25 Q. Would you know whether evidence will

1 be adduced at this hearing with respect to that?

2 A. I am not certain of that, no.

3 MR. CASTRILLI: Could Mr. Freidin help?

4 MR. FREIDIN: I don't plan to lead any
5 detailed evidence in terms of adding them up.

6 MR. CASTRILLI: That's fine, thank you.

7 Q. Would it also be fair to say, Mr.

8 Douglas, that each program's spacial units are
9 different; for example, timber, fish, wildlife?

10 A. The ones that you identify have a
11 different bases for establishing their management units
12 which are peculiar to the needs of that resource.

13 MR. CASTRILLI: Mr. Chairman, I would
14 like at this time to introduce into evidence on this
15 point the questions and answers to our interrogatory on
16 Panel 1.

17 I believe I provided Mr. Freidin with a
18 copy yesterday and there is only one amendment. I will
19 be providing extra copies to the Board afterwards. So
20 perhaps the amendment can be a separate number for an
21 exhibit.

22 THE CHAIRMAN: Okay. I believe we are up
23 to Exhibit 18.

24 So, Mr. Castrilli, you would like the MNR
25 answer to CELA interrogatories to Panel 1 as Exhibit

1 18?

2 MR. CASTRILLI: Yes, that's right, and
3 the addition which is a separate letter can be 18A.

4 THE CHAIRMAN: Very well.

5 ---EXHIBIT NO. 18: MNR answers to CELA's
6 interrogatories to Panel 1.

7 ---EXHIBIT NO. 18A: Amendment to CELA's
8 interrogatories to Panel 1.

9 MR. CASTRILLI: Q. Mr. Douglas, can I ask
10 you to turn to pages 4 and 5 of Exhibit 18.

11 MR. DOUGLAS: A. Could you provide me
12 with a copy --

13 Q. I'm sorry, I thought I...

14 A. --so I am sure I have got the same
15 one as you have.

16 Q. (Handed)

17 A. Thank you.

18 Q. Mr. Douglas, do you have pages 4 and
19 5 of Exhibit 18 before you?

20 A. (Nodding affirmatively)

21 Q. All right. We are looking at
22 question 7 on page 4 in which we asked the Ministry of
23 Natural Resources a series of question.

24 Did you, by the way, help in the
25 preparation of the responses to these questions?

A. I assisted on some of them, yes; not

1 all of them.

2 Q. In the second question on page 4 --
3 7(b), I should say, we requested with respect to
4 resource management planning a map or maps indicating
5 the geographic areas for which management plans are
6 developed for each named resource within the area of
7 the undertaking.

8 Your response -- or the Ministry's
9 response begins at the bottom of that page and goes on
10 to page 5, and if I could just summarize without
11 reading it all into the record it basically indicates
12 what you have already confirmed in your evidence, that
13 in fact management plans and boundaries vary; for
14 example, timber varies from fish, which varies from
15 parks, which may vary and usually does vary from
16 administrative districts, et cetera.

17 And then you say at the bottom of that
18 first paragraph on page 5:

19 "The areas for which these plans are
20 developed are determined according to the
21 local circumstances and requirements."

22 And then you indicate in the next
23 paragraph that the -- let me just ask you a question
24 first.

25 I recall from your testimony yesterday

1 that we discussed what appeared to be the preference as
2 stated in Document 11, the last two pages of Document
3 11 for individual program planning within the Ministry.
4 Do you recall that discussion?

5 A. Yes, I do.

6 Q. And I believe you and I also had a
7 discussion about the implications of individual program
8 planning where everyone is using a different map and
9 how this might negatively impact on IRM strategies. Do
10 you recall that discussion?

11 A. I indicated that that was a
12 consideration that had to be dealt with.

13 THE CHAIRMAN: Could you speak up a
14 little, Mr. Douglas, please?

15 MR. DOUGLAS: Certainly.

16 THE CHAIRMAN: Thank you.

17 MR. CASTRILLI: Q. Now, in spite of this
18 situation where we have individual program planning
19 within MNR, or at least the preference for, and
20 apparently everyone in all the resource programs using
21 a different map with different geographic spacial
22 dimensions, I understand - and it is referred to in the
23 second paragraph of page 5 of Exhibit 18- that the MNR
24 does not maintain a central registry of all resource
25 management plans; is that correct?

1 MR. DOUGLAS: A. That's correct. I
2 should clarify, however, that some of these resource
3 management planning areas are quite independent of each
4 other in the sense that, for example, you won't have -
5 except with perhaps two exceptions.

6 A park plan will be for an area, a
7 specific area; it will not be an area which a timber
8 management plan is being prepared. So that they are
9 two separate items.

10 And the other thing is that in some cases
11 there is a coincidence between the boundaries for the
12 district and the boundaries for the resource management
13 planning; for example, in the case of fisheries.

14 Also, when we did these inventories of
15 resource access roads, they are done at a district
16 level. So there are some things that do line up in
17 that sense, there are other management units which are
18 quite independent. They are mutually exclusive.

19 Q. The potential for conflict is there;
20 is that right?

21 A. In some cases, yes.

22 Q. Thank you.

23 A. Conflict in the sense that one has to
24 make a conscious decision how to inter-relate these
25 various plans and the activities that are identified in

1 those plans.

2 Q. And the potential for confusion is
3 also present; is it not?

4 A. There is always potential for
5 confusion in planning.

6 Q. And that's in fact identified at
7 pages 39 and 40?

8 A. Yes, and --

9 Q. --of Document 11?

10 A. Yes. And in fact this was recognized
11 as one of the factors which we weighed in developing
12 the Framework for Resource Management Planning and
13 identifying, in particular, items such as roads and
14 responsibilities for the region and the district to
15 make sure that any potential sources of confusion, as
16 you indicated, are taken into account in the review of
17 those plans.

18 Q. Has MNR developed an overlay mapping
19 system so that one could see at a glance how the
20 various program management units overlap
21 geographically?

22 A. I don't have a central one in my
23 office. I understand in some districts they do, but I
24 don't have one here.

25 Q. You say that, however, in

1 paragraph -- on page 5 of Exhibit 18 that the MNR does
2 not maintain a central registry of all of these
3 management plans, but you are now saying that the
4 districts do for their district?

5 A. I believe we are making a separation
6 between what you have referred to as management units
7 and what I talked about in terms of plans.

8 In terms of management units, when in
9 fact there has been a manual completed; for example,
10 for fisheries, for timber, parks, it is clearly
11 identified within that manual what the planning unit
12 is. That decision is clear.

13 Where it is not clear is when we get into
14 some of these other plans for resources for which we
15 don't believe there is the need for either a standard
16 unit or that there is not a need for a plan in each
17 district. We get into, for example, shorelands and our
18 shoreland plans.

19 We are looking around the Great Lakes
20 primarily because that is where the problem is. In
21 some cases, the area that should be covered is going to
22 be fairly large; in other cases, it is going to be
23 quite small. It depends on the physical configuration
24 of the shoreline, where the winds line up, which lake
25 your on. There is a variety of things that have to be

1 taken into account.

2 So, of course, we don't retain a central
3 registry; i.e., a Toronto registry of those kinds of
4 things.

5 Q. You are saying knowing how different
6 units, which have different geographic boundaries, fit
7 with each other is not a relevant concern for MNR?

8 A. No. I'm saying that that is
9 something that is addressed at the district and
10 regional level. It is at the district level in which
11 the district manager is responsible for the integration
12 of the various plans and the activities defined in
13 those plans. This is the delivery level at which that
14 level of planning takes place, it is not done in
15 Toronto.

16 Q. At the district level, however, the
17 district manager would be dealing with management units
18 that may be smaller than the district level, geographic
19 area, or may in fact overlap with more than one
20 district; is that not correct?

21 A. That's correct, and that is one of
22 the reasons why there is review at the regional level
23 of these resource management plans, to make sure that
24 those potentials, as you call them, are taken into
25 account before decisions are made.

1 Q. Would it be fair to say that MNR has
2 no idea how these various management units for timber,
3 fish and wildlife and the other programs that are
4 listed at pages 196 and 7 -- sorry, 196 and 197 of your
5 evidence fit or do not fit geographically into one
6 another?

7 A. We could make a clear statement of
8 the relationship between the fisheries, the timber
9 management or the forest management units and the
10 parks. They are clearly identifiable.

11 In the case of, particularly timber and
12 particularly parks, those boundaries are established, I
13 believe, by Order-in-Council so there is legal surveys
14 for them; we know they are.

15 In terms of the administrative boundaries
16 which coincide with the fisheries ones, there is clear
17 definition of where those ones are.

18 It is when you get into some of these
19 other items -- when you are talking about, for example,
20 shoreline plans or you are talking about cottage
21 development for a particular lake, it is going to vary;
22 it is going to vary according to the size of the lake
23 you are looking at, it is going to vary according to
24 the physical conditions of the resource you are trying
25 to deal with.

1 A multitude of considerations have to be
2 taken into account in developing the area in which the
3 plan is prepared. It simply makes no sense to plan for
4 a larger area than is in fact needed.

5 If you have an erosion problem, you
6 identify the erosion prone area and you do a plan for
7 that area.

8 Q. Mr. Douglas, we are going to get into
9 this later on, but is it your testimony that this
10 seeming maze of maps for different management units and
11 administrative districts, et cetera, does not have an
12 adverse impact on the setting of targets by MNR
13 programs, or do you know?

14 A. Well, I think that once you have an
15 identifiable area, one could develop targets in that
16 plan that is appropriate for that area.

17 Q. Okay. We will come back to that.
18 Now, I understand from your evidence that MNR work
19 plans existed both at district -- excuse me, at the
20 district, regional and headquarters level, and are an
21 annual indication of what the Ministry wants to
22 accomplish in a given year; is that right?

23 A. Yes.

24 Q. And I also understand from your
25 testimony that an example of the use of the integrated

1 resource management philosophy being applied at this
2 level of the management system would be, for example,
3 undertaking lake surveys in the year preceding
4 preparation of timber management plans; is that
5 correct?

6 A. Yes. The opportunity is there for
7 the district manager to see the proposals that are
8 coming from the various programs and supervisors
9 identified in the slides which Mr. Monzon put up in
10 terms of the district. And he has the opportunity to
11 make sure that things fit together in sequence
12 properly.

13 Q. Actually, you discussed that issue --
14 for Board and for the record it is at page 25,
15 paragraph 63(a).

16 Mr. Douglas, would you agree with me that
17 the estimates, which I understand are essentially the
18 work plans approved by the Deputy Minister, do not
19 reveal at that level the -- for example, you give at
20 the bottom of page 25 that lake surveys are prepared in
21 the year preceding preparation of the timber management
22 plan, and would that be the case because we are simply
23 dealing with the whole province at a fairly general
24 level?

25 A. Yes. What happens is that the

1 co-ordination occurs as you go up the system and that
2 the district manager is responsible for making sure
3 that the activities in the district fit together; the
4 regional director is responsible at the region, and
5 that as you get further up you are really into a
6 priority decision and that the Deputy Minister doesn't
7 see all the details for all of the programs in each
8 district. That would simply be impossible to deal with
9 all that level of detail.

10 Q. If one had a regional plan, or at
11 that level, would you be able to see an example of what
12 you refer to at the bottom of page 25, the undertaking
13 of lake surveys in the year preceding preparation of a
14 management plan?

15 Is the regional work plan sufficiently
16 more detailed that one could see that?

17 A. The detail in terms of your lake plan
18 would be within the district, and my understanding -
19 and we are getting out of an area where I have
20 expertise - is that the proposals for the district are
21 reviewed at the regional level by the various program
22 supervisors, so they have -- and they deal with this in
23 terms of some of those technical committees that Mr.
24 Monzon talked about.

25 You get the regional co-ordinators in the

1 various programs sitting down with the people in their
2 districts and identifying what projects and what
3 sequence makes sense to undertake in that given year.

4 Q. So, sir, if I understand your
5 evidence correctly, you would have to have a district
6 work plan in order to see the crystallization of the
7 example you outline at the bottom of page 25; is that
8 correct?

9 A. At that level of detail. There could
10 be other examples, I believe, you could see at the
11 regional level.

12 Q. So one --

13 A. For example, the regional level will
14 have certain activities that the region does. Not
15 everything is delegated all the way down; some of these
16 are at the regional level and there will be details at
17 the regional level in terms of some of the programs
18 that are carried out on that basis.

19 Q. So then one could have or one could
20 see, rather, at the regional level, potentially in a
21 particular regional work plan, an example of what you
22 outline at the bottom of pager 25; is that correct?

23 A. I am not sure of that specific
24 example, but you could certainly see if you went to the
25 form - I believe a Form 1 - in respect to the region's

1 own work plan, details of co-ordination.

2 Now, as I indicated, I am not an expert
3 in this area and perhaps you could refer that question
4 to Mr. Monzon who has had experience at the regional
5 level, which I have not had.

6 Q. I am content to have the answer from
7 Mr. Monzon.

8 MR. MONZON: A. Certainly at the
9 district level you would have a better example of the
10 crystallization, to use your term, for how this takes
11 place.

12 As Mr. Douglas indicates, it will occur
13 from time to time at the regional level depending on
14 the degree of delegation relative to particular
15 activities that have been passed on down from the
16 region to the district level.

17 Q. I see. Perhaps I will put the
18 question this way: Are district work plans available
19 for previous years?

20 A. I don't know. They may be or they
21 may not be. Once a particular year is over, they don't
22 have particular relevance for the next year.

23 Q. And would that situation be roughly
24 similar to what takes place at the regional level?

25 A. Yes.

1 Q. I would like to refer you to page 6
2 of the interrogatories, Exhibit 18. Question 8 --
3 excuse me, 8(b) to be correct, more precise.

4 We requested the regional work plans for
5 the northwestern, northcentral, northern, northeastern
6 and Algonquin regions for the years 1980 to 1988
7 inclusive, and we were there referring to paragraph 60
8 and 61 of your evidence -- I guess this is really Mr.
9 Douglas' evidence that is referred to there.

10 The response you gave us is recorded at
11 the bottom of page 6 under heading B:

12 "The regional work plans are not
13 available for years prior to 1986",

14 And then:

15 "For the period 1986 to 1988 the original
16 material would be difficult to interpret
17 because there were apparently a number of
18 difficulties with computer problems."

19 Now, would that situation also apply at
20 the district level?

21 A. Yes, it would.

22 Q. It would. So that if I had had an 8C
23 and asked for district work plans for the period '80 to
24 '88 I would have had the same answer?

25 A. There would still be the same

1 difficulty, yes.

2 Q. Okay. Now, if I had a work plan for
3 one year, I am wondering whether you can confirm for
4 me - and assuming that it dealt with the issue we have
5 been talking about at the bottom of page 25 - would I
6 in fact be able to determine whether -- if I only had a
7 work plan for one budget year, for one fiscal year,
8 would I in fact be able to determine from looking at
9 that work plan and the associated documentation - I
10 think it is called either Form 4 for regionals and Form
11 1 for districts -- would I be able to determine whether
12 in fact a lake survey had been undertaken in the year
13 preceding a timber management plan if I had a work plan
14 for only one fiscal year?

15 A. I don't know that I can answer you
16 specifically. I am not sure if the information
17 describing the activities to be undertaken to do a lake
18 survey would indicate that -- I am not sure that the
19 description of that lake survey would indicate that it
20 was being carried out in advance of or being carried
21 out for the preparation of the timber management plan
22 which was to take place the preceding year, nor would
23 there -- nor I can't say for sure whether there would
24 be an explanation in the work plan under lake surveys
25 that lake surveys were carried out on lakes "x","y","z"

1 the previous year in preparation for a timber
2 management plan that is taking place this year.

3 The work plan is designed to indicate the
4 specific projects that are being undertaken, and the
5 linkage to which you are referring to - I think you are
6 referring to - takes place really at the district
7 manager level, and the district manager in consultation
8 with the supervisor. That is where, to use your term,
9 the crystallization takes place.

10 The district manager would review the
11 projects, would review them in the context of upcoming
12 plans that were being developed.

13 Q. Sorry. So are you saying I would be
14 able to see that at the district work plan level?

15 A. I am saying that's how it works. You
16 wouldn't be able to see it from the document.

17 Q. I thought that was a very good
18 question. Would I be able to see it more clearly if I
19 had two fiscal years' work plans or would that still be
20 a problem?

21 A. I really don't know. It might be
22 easier, it might not. I can't say for sure.

23 Q. Well, could you advise me then of how
24 the Board would be able to evaluate the statement you
25 make at the bottom of page 25, paragraph 63(a)

1 if -- since this isn't the context under the heading of
2 work planning, you are telling us now that the work
3 plans would not in fact tell us that - outline the
4 example you set out there that lake plans could be
5 prepared in the year preceding preparation of a timber
6 management plan, how would the Board be able to verify
7 that from the evidence you provided to the Board?

8 A. Well, first of all, I think I
9 indicated that the work plans may or may not provide
10 that indication, so I am not sure on that. Beyond
11 that, I don't have an answer.

12 Q. Thank you.

13 A. Other, I suppose, than the
14 description that I provided you with just recently as
15 to how the process works.

16 Q. Fair enough. Mr. Douglas, could --

17 THE CHAIRMAN: Excuse me one second, Mr.
18 Castrilli.

19 Mr. Monzon, am I to understand then that
20 when you have a specific type of plan, such as a timber
21 management plan, it does not state in it, either
22 directly or by way of an appendice or something else,
23 the data upon which it is based?

24 In furtherance of Mr. Castrilli's
25 question, so that if you look at a particular timber

1 management plan, for example, can you tell from the
2 timber management plan what kind of data was available
3 that was considered in the formulation of that plan?

4 MR. DOUGLAS: My understanding is that
5 some of that information - and I am not sure the extent
6 would be in the background documentation. Panel 15
7 will give you a full and detailed explanation of that.

8 MR. MONZON: What I was trying to
9 describe, Mr. Chairman, was the budgeting process that
10 goes on at the district level where the district
11 manager and supervisor, being aware of the various
12 plans that are -- resource management plans that are
13 coming, need to consider the preparatory inventory work
14 that has to be done to feed into those plans.

15 THE CHAIRMAN: Right. But in terms of
16 monitoring compliance or in terms of monitoring whether
17 or not the appropriate things were considered in the
18 formulation of the plan, there is no way presently that
19 that can be checked by looking at either the final plan
20 or by looking at plans of work that was specifically
21 done, which was done for the purpose of preparing a
22 further plan.

23 You have already covered that and you do
24 not know whether or not some of the specific work plans
25 would include a statement that this is being done for

1 the preparation of a timber management plan, for
2 example.

3 MR. DOUGLAS: That's right.

4 THE CHAIRMAN: And you are stating, I
5 believe, Mr. Douglas, that there may be some background
6 data attached to the timber management plan which may
7 describe some of the considerations that went into the
8 formulation of that plan, but not necessarily
9 everything.

10 MR. DOUGLAS: Yes. What that background
11 documentation would indicate is for all those areas of
12 concern, and as well as the FRI information forest
13 resource inventory, the source would be identified
14 there, of course. And the analysis and the data on
15 which the analysis is based to come up with these
16 prescriptions to protect other values, that would be in
17 the background documentation.

18 I guess I am wavering a bit because I am
19 not sure what the exact source is, whether there is
20 information there or whether there is just reference to
21 another piece of information that was used. We will
22 get that in terms of later evidence.

23 In order to look at paragraph 63 in its
24 proper context, one has to do an analysis and
25 interpretation.

1 As Mr. Monzon said, a work plan is a
2 point in time kind of activity and because of all the
3 paper that's generated through this system, because of
4 the decentralized Ministry and its various programs,
5 there has been an attempt just to put the essential
6 information for decision making in those documents and
7 you often don't get that kind of supporting thing.

8 And for us to give this information to
9 you without an explanation could -- would be confusing.
10 It is the district manager and the process that
11 provides the integration.

12 Some of these sessions, for example, the
13 ones in my branch is essentially a war room kind of
14 situation and everyone says: I want to do this and I
15 want to do that, and you have a limited budget and you
16 say: Well, if that person does his project, does that
17 fit in with the project that you are doing over here
18 and saying: Well, I know you would like to do that
19 first, but it doesn't make any sense, we have got to
20 get this step done before we do that step.

21 So, those are the kind of things, the
22 dialogue that is associated with the process that are
23 the important co-ordinating activities.

24 THE CHAIRMAN: I think I can appreciate
25 that, but I think also there probably should be a

1 method that, at some point in time after the plan has
2 been formulated, somebody can look at it and say: The
3 proper and appropriate items were taken into account in
4 formulating that plan or they were not.

5 MR. MONZON: Well, certainly, Mr.
6 Chairman, at the outset - and I believe later panels
7 will get into this - at the outset of the timber
8 management planning process, there is a background
9 information portion in which all of the information is
10 displayed.

11 And certainly there would be, I believe,
12 the opportunity at that point in time to identify any
13 shortfalls relative to the basic information that was
14 lacking. As I understand, later --

15 MR. FREIDIN: I am just wondering if I
16 can just assist, and this will all be Panel 15. It is
17 not like everything has been shifted to Panel 15,
18 but I think your last question dealt with, and I will
19 respond to by indicating that there is a plan review
20 and approval process of the timber management plan, and
21 that is one of the things that people, when they review
22 the plan, are looking for to see in relation to certain
23 activities and decisions on what basis you would make
24 that decision.

25 But that certainly occurs, and we will

1 lead evidence about that.

2 In terms of the sort of information that
3 you may have in terms of background information before
4 you start the plan, there will be evidence about that,
5 including a description of a value map which is
6 prepared every time you enter into the planning phase
7 for a timber management plan which will identify areas
8 which have a value which may have to be protected as a
9 result of timber management activities, and the value
10 map is accompanied by data which will indicate the
11 source of that information which will identify on that
12 map where those things work.

13 There will be information indicating that
14 through what we have described as the area of concern
15 process, that when you get into an area or you identify
16 an area which must be considered, can you operate there
17 or can you operate here, do you have to moderate your
18 operations.

19 When you have those areas, the planning
20 process requires you to indicate the alternative ways
21 you can deal with that, choose the preferred
22 alternatives, rationalize the alternatives to be taken.
23 That sort of information shows up in what is called
24 supplementary documentation, which is sort of appended
25 to the plan, so you can look at that to see why the

1 decision was made to operate or not operate in an area
2 of concern in a certain fashion.

3 THE CHAIRMAN: Okay. I guess just the
4 last question is: At the present time, is that type of
5 information something that somebody outside of the
6 Ministry can look at to verify?

7 MR. FREIDIN: Now?

8 THE CHAIRMAN: Yes.

9 MR. FREIDIN: If you want to review
10 timber management plans?

11 THE CHAIRMAN: Well, if you want to --
12 yes.

13 MR. FREIDIN: Yes, that is part of the
14 whole -- all that information is public and if somebody
15 wants to go in and see a plan, all that information is
16 there.

17 And there will also be evidence that the
18 Ministry is attempting to set that documentation -- to
19 get the people in the field to set that information up,
20 all this paperwork up so we can track.

21 If they are interested about Location A,
22 there is some way that they can track what happened to
23 Area A, what decisions were made and where to find all
24 the information they want. This is all being done.

25 MR. MARTEL: Could I just try to get a

1 bit of clarification, because it seems to me the answer
2 we received was not from you but, I guess, from Mr.
3 Monzon.

4 When the example was used, undertaking
5 lake surveys in the year preceding preparation, and
6 that question was posed, there didn't seem to be a:
7 Yes, you can find out in a relatively simply manner
8 whether or not that survey, in fact, had occurred.

9 That made it rather confusing, at least
10 for me. I mean, when I listen to what you are saying
11 it seems to be a relatively simple thing for them to go
12 back and pick it up.

13 Mr. Monzon - and I wrote it down twice
14 because I was having difficulty understanding it - but
15 why would there be difficulty in getting an answer that
16 says: Yes or no, you can find it some place by going
17 back here; you could find out if it in fact occurred, I
18 think was the question that was put, and there was
19 great difficulty in answering that.

20 I am not sure why.

21 MR. FREIDIN: Again, I mean, I am not --
22 I want to understand your question, but the question
23 which arose with the lake surveys, as I understood it,
24 was whether or not you could see that decision when you
25 do a lake survey in year one, was it done specifically

1 for or amongst a number of reasons, the fact that a
2 timber management plan might be prepared for that area
3 in year two, three or four.

4 And, as I understand Mr. Monzon, he is
5 saying that it would be difficult -- or he is not sure
6 whether he could find that by looking at the work plans
7 because the work plan just says what is going to happen
8 in the district in a particular year.

9 MR. MARTEL: Then you could go back - if
10 I could - then at that point you could go back and find
11 a document that says: Yes, this survey was done?

12 MR. MONZON: Yes.

13 MR. FREIDIN: If you want to go and say:
14 Has there been a lake survey done on that lake, the
15 Ministry can certainly tell you that, and if it was a
16 lake -- let's say, you are in the middle of the
17 planning process or something -- it sounds like I am
18 giving evidence.

19 MR. CASTRILLI: I was going to comment on
20 that in a minute, Mr. Chairman.

21 MR. EDWARDS: Mr. Chairman, if Mr.
22 Freidin wants to go in the witness stand, that's fine,
23 but I really think we should hear the evidence from the
24 witnesses.

25 I find it very simple when he explains

1 it, but it is much more confusing when the witness
2 explains it and it is far more confusing when you
3 contact the MNR personally and try and get the
4 information.

5 THE CHAIRMAN: Okay.

6 MR. EDWARDS: I do object to counsel
7 giving evidence from the counsel table and I am not
8 going to do it and I don't think he should.

9 THE CHAIRMAN: I agree to this extent: I
10 think Mr. Freidin is trying to be helpful in terms of
11 answering some of the Board's queries about this area,
12 which I think is somewhat complex to those unfamiliar
13 with the planning process that is being used.

14 I agree to some extent that we prefer,
15 of course, Mr. Fredin, that the evidence come out of
16 the witness himself.

17 MR. FREIDIN: The reason I did it is:
18 This evidence is going to be led by the people who
19 prepared timber management plans and assembled the
20 background information which is somewhere down the line,
21 and the only reason I was doing that was in trying to
22 answer Mr. Martel's question.

23 And when I do this I get very nervous
24 because I am afraid I may go out during the break and
25 my client may say: What the hell were you talking

1 about. So I don't like saying a lot all the time.

2 MR. HUNTER: Mr. Chairman, I didn't want
3 to interfere with Mr. Castrilli, but I have to say I do
4 agree with Mr. Edwards.

5 I substantially, fundamentally disagree
6 with some of the statements Mr. Freidin made on behalf
7 of his client, because I don't think they are correct.

8 MR. CASTRILLI: Mr. Chairman, I simply
9 want to confirm from Mr. Freidin that the evidence he
10 has given on the record will in fact be the evidence
11 given by Panel 15.

12 Can he confirm that for me?

13 MR. COSMAN: Mr. Chairman, he hasn't
14 given any evidence. Clearly, he is not sworn and he is
15 not in the box.

16 MR. CASTRILLI: He has, however, made two
17 pages of statements on the record.

18 THE CHAIRMAN: Okay. I think we should
19 resolve it this way: Let's in the future try and
20 refrain, Mr. Freidin, or any of the other counsel, from
21 giving evidence on behalf of your respective clients.

22 I think we can leave it by saying that
23 further evidence is to be called by MNR in a future
24 panel; namely, I think Panel 15, and we will have to
25 await to see what the witnesses on that panel have to

1 say in connection with what we have been dealing with.

2 I just wanted the answer from the witness
3 to the question as to how can you ascertain whether
4 certain items have been covered by looking at the
5 plans, and I think the panel has explained that.

6 Mr. Martel had a further question as to
7 clarifying the example that was used earlier. So why
8 don't we, at this point, not interrupt Mr. Castrilli's
9 cross-examination any more and let him proceed.

10 MR. CASTRILLI: Thank you, Mr. Chairman.

11 Q. Mr. Monzon and Mr. Douglas, the
12 introduction to paragraph 63 on page 25 says:

13 "Examples of the IRM philosophy being
14 applied at this level of the management
15 system are..."

16 And then we have paragraph (a) we have been talking
17 about. Can I presume you are still talking about work
18 planning there?

19 In other words, the budgeted system is
20 the work plan system; is it not?

21 MR. DOUGLAS: A. Mm-hmm.

22 Q. Thank you. But you have now
23 indicated that when one looks at work plans, either at
24 the district or regional level, it would not be
25 patently or even mildly evident from a review of those

1 work plans themselves as to whether the example that is
2 cited at the bottom of page 25 could in fact be sorted
3 out; is that correct?

4 MR. MONZON: A. I think I indicated that
5 it may or it may not be. It would be possible to look
6 at differ -- at other district records to determine
7 specifically what activities have been carried out over
8 other periods of time.

9 MR. DOUGLAS: A. I would like to add to
10 that in No. 63(b), that is an example of co-ordination
11 at an operational level. This is after the budget has
12 been allocated, the district manager has the
13 opportunity to schedule functions across several
14 programs together; for example, law enforcement.

15 So there is a further example of IRM
16 working at the work planning and operations level. The
17 example in (a) was work planning; (b) is the operations
18 itself, the day-to-day scheduling.

19 Q. Well, I am interested in work plans
20 and the example in paragraph 65(a) -- excuse me, 63(a)
21 and, in that regard, Mr. Douglas, could you confirm for
22 me that work planning has normally been oriented to
23 individual programs?

24 MR. DOUGLAS: A. That is done and that
25 is based on the way the estimates are structured.

1 Q. Is that still the case today?

2 A. That is the way they are built up.

3 MR. CASTRILLI: Mr. Chairman, further
4 into this discussion I want to file another document
5 that was provided to us as a result of interrogatories,
6 and it is a spinoff of Document 11 regarding integrated
7 resource management and, I understand, contributed to
8 the background development of Document 11.

9 (Handed)

10 THE CHAIRMAN: Thank you.

11 This document will be Exhibit 19,
12 entitled Integrated Resource Management, the Status
13 Report for Executive Management Committee, dated July
14 4th, 1984.

15 ---EXHIBIT NO. 19: Integrated Resource Management, the
16 Status Report for Executive
17 Management Committee, dated July 4,
1984.

18 MR. CASTRILLI: Sorry, Mr. Chairman, that
19 is Exhibit 19?

20 THE CHAIRMAN: Exhibit 19.

21 MR. CASTRILLI: Q. Mr. Douglas, at page
22 6 of Exhibit 19, the first --

23 MR. FREIDIN: The first page 6?

24 MR. CASTRILLI: Sorry, there are too many
25 numbers on these pages.

1 MR. DOUGLAS: Are we talking about the
2 top or the bottom of the page?

3 MR. CASTRILLI: Mr. Chairman, if I can
4 have the Board's indulgence for one moment so I can
5 locate the correct page number.

6 MR. FREIDIN: It might be advisable if
7 everybody could just take a few seconds and number the
8 pages of this document consecutively and we can refer
9 to them that way, as a suggestion.

10 THE CHAIRMAN: It is your document, Mr.
11 Castrilli, how would you like to handle the number?

12 MR. CASTRILLI: Well, I presume the
13 author of the document numbered them so that the
14 numbers at the top of the page are the numbers that
15 relate to the page, and the numbers at the bottom of
16 the page relate to the next page--

17 MR. DOUGLAS: That's correct.

18 MR. CASTRILLI: --is that right? So the
19 numbers at the top of the page are what I will be
20 referring to.

21 MR. MARTEL: There are no numbers.

22 MRS. KOVEN: There are no numbers.

23 MR. CASTRILLI: There are no numbers on
24 your page?

25 THE CHAIRMAN: No. Well, we have a title

1 page, a contents page, and then we start off on a page
2 that is headed Introduction.

3 MR. CASTRILLI: Well, the document I have
4 has page numbers at the top and bottom, so I would
5 simply begin with the page...

6 MRS. KOVEN: Introduction?

7 MR. CASTRILLI: Which says Introduction
8 and number that No. 1 at the top and number it
9 consecutively thereafter.

10 THE CHAIRMAN: Very well.

11 MR. FREIDIN: There are really two
12 documents in this exhibit; am I correct, Mr. Castrilli?

13 MR. CASTRILLI: Yes. It will be
14 introduced shortly, I can assure you.

15 MR. FREIDIN: Mr. Castrilli and Mr.
16 Chairman, Exhibit 19 is a document dated July the 4th,
17 1984?

18 THE CHAIRMAN: That is correct.

19 MR. CASTRILLI: Yes, that's correct.

20 MR. FREIDIN: Thank you.

21 THE CHAIRMAN: And we count 11 pages
22 commencing with page 1 headed Introduction.

23 MR. CASTRILLI: And the last page being
24 an Appendix.

25 THE CHAIRMAN: With the last page being

1 headed Summary of Presentations?

2 MR. CASTRILLI: Yes, that's right.

3 Actually that last page is actually an appendix on my
4 document, but Summary of Presentations appears below it
5 so I guess the tops of each page have been cut off.

6 Q. Mr. Douglas, generally, can you
7 confirm that this document indicates that work planning
8 has normally been oriented towards individual programs?

9 MR. DOUGLAS: A. Yes, that's correct,
10 that is how they are built up.

11 Q. And this was a document that was
12 written in July, 1984 prior to the completion of
13 Document 11 which is part of your evidence; is that
14 right?

15 A. Yes, that's correct.

16 Q. And you say that work planning today
17 is still oriented towards individual program planning;
18 is that correct?

19 A. Yes, that is the way our estimates
20 are structured.

21 Q. So that Document 11 had no impact on
22 the change that is outlined in Exhibit 19; is that
23 correct?

24 A. What happened - and I am going on
25 recall here - is the concern about the work plan was

1 identified in this review. And perhaps what I should
2 do is give some background to the Board.

3 This report that you have here was a
4 result of a review that was undertaken with the various
5 regions and program groups within the Ministry.

6 As I identified, I believe on Friday, we
7 undertook a review of integrated resource management
8 dealing with all components of the management system in
9 1984.

10 The way that process worked was that
11 there was a preliminary report for discussion and a
12 review that was issued in February of that year. We
13 went around to each of the regions, regional management
14 committees which dealt with the -- included the
15 district manager within that region, included all the
16 program co-ordinators, the regional director and deputy
17 regional directors and discussed what was in that
18 preliminary report.

19 After that, we made a number of changes
20 based on the discussion and advice and concerns that
21 were raised and, as a result, we produced this paper
22 which Mr. Castrilli is talking about, which we took to
23 our senior management within the Ministry and, after a
24 subsequent review with senior management, we produced
25 the IRM statement that Mr. Monzon spoke about and the

1 Framework Document which I have spoken about.

2 Now, in terms of the situation with work
3 planning; again, as I recall, there are certain
4 requirements that MNR must meet which are essentially
5 established by central agencies for accounting purposes
6 which we must work in.

7 In terms of work planning, there was a
8 concern that there be more flexibility in the system.
9 I believe the result of that review was we had some of
10 the people who understood the system quite well to
11 identify where in fact there was flexibility, and
12 those -- that was communicated in the guidelines for
13 the preparation of, I am not sure whether it was the
14 '85 or the '86 work plan.

15 So we went as far as we could based on
16 our understanding of what was common accounting
17 practice in the Ontario government, but within that we
18 tried to identify how that system could be used better
19 for co-ordination.

20 MR. CASTRILLI: Mr. Chairman, perhaps to
21 complete the package of documents that Mr. Douglas is
22 referring to, I should introduce the next exhibit is
23 which is the other background document to the planning
24 process Mr. Douglas is describing, dated 1984, it's
25 marked Draft.

1 THE CHAIRMAN: Very well. This document
2 will be admitted as Exhibit No. 20, entitled
3 Preliminary Report on Integrated Resource Management
4 from the Ministry of Natural Resources marked Draft,
5 February, 1984.

6 ---EXHIBIT NO. 20: MNR Draft Preliminary Report on
7 Integrated Resource Management
dated February, 1984.

8 MR. CASTRILLI: Q. Mr. Douglas, the real
9 page 6 in this document, the only page 6 in this
10 document --

11 MR. DOUGLAS: A. The July 4th document?

12 Q. Sorry. The one we have just
13 introduced into evidence, which is Exhibit 20, dated
14 February, 1984.

15 A. Page 6?

16 Q. At page 6.

17 THE CHAIRMAN: We have a blank page 5 in
18 this copy. Actually, it is in this copy as well.

19 MRS. KOVEN: It is in all the copies.

20 THE CHAIRMAN: It is in all the copies.
21 I think your xerox machine skipped that page.

22 MR. CASTRILLI: Yes, I guess it did. Are
23 the other pages numbered?

24 THE CHAIRMAN: Yes, they are all
25 numbered. It goes up to page 11 and then there is a

1 appendix which goes up to Roman numeral No. VI.

2 MR. CASTRILLI: Yes, that's correct. You
3 have the complete document.

4 THE CHAIRMAN: Other than page 5.

5 MR. CASTRILLI: Q. Mr. Douglas, if I
6 could refer you to page 6 of Exhibit 20.

7 Can you confirm for me on that page under
8 the heading Work Planning that the authors of the
9 document indicate, under specific issues, that work
10 planning is oriented to individual programs, that work
11 planning is relatively inflexible due to, in part,
12 Management Board requirements; and thirdly, the Work
13 Planning Manual does not highlight how the process can
14 be adopted -- or adapted, excuse me, to integrated
15 resource management; is that correct?

16 MR. DOUGLAS: Yes, that's what it says.

17 Q. So, again, bringing you back to page
18 25, paragraph 63(a), would you not agree that the work
19 planning process -- or the work and the work plans that
20 result from it, even if they were before this Board,
21 would not be able to assist the Board in determining or
22 assessing the weight to be given to the statement at
23 the bottom of page 25, paragraph 63(a)?

24 A. I believe you could not look at one
25 single work plan and make a conclusive determination on

1 the basis of one single work plan.

2 Q. You would need more than one work
3 plan; is that correct?

4 A. Either that or you would need some
5 other information which would be available at the
6 district. You could make that determination, but I
7 believe that Mr. Monzon gave a careful answer to Mr.
8 Martel because we didn't want to confuse the Board by
9 the fact that, if you look just at one year, one
10 document, you can make that determination. That
11 wouldn't necessarily be the case.

12 Q. You say you would need additional
13 information which is not here, but it is in the
14 districts?

15 A. You could track that through the
16 districts. I believe we are getting -- perhaps we are
17 getting into a discussion of the differences between
18 the process, which provides for integration, and
19 looking at a single output document and say: Can I
20 look at this document and, by itself, determine whether
21 that integration has occurred.

22 Q. Well, at paragraph 59 of page 25 you
23 say that a work plan is an annual statement of what
24 needs to be accomplished by the Ministry in a given
25 year with specific funds.

1 I presume that all of those paragraphs on
2 that page are part and parcel of the same topic, and
3 that one could, by looking at something, assess the
4 contents of page 25, including a statement at the
5 bottom of the page which is an example of what you say
6 has resulted from the implementation of the IRM
7 philosophy.

8 Is that not the intent of that page?

9 A. The intent of the page is, at the
10 beginning, to describe that step or that component at
11 the management system.

12 In 63 we have a -- paragraph 63, we have
13 an example of how integration can be facilitated by the
14 way the organization is structured and that process
15 works.

16 Q. But we have nothing before the Board,
17 apart from that statement, to confirm that statement;
18 is that correct?

19 A. You don't have a series of documents
20 which you can make a conclusive determination on.

21 Q. Thank you. Now, in paragraph 60 on
22 page 25, you indicate that work plans prepared at the
23 district and regional level based on instructions which
24 establish overall priorities.

25 Can you advise the Board where the

1 instructions come from with respect to the overall
2 priorities to be addressed in work plans at the
3 district and regional level?

4 A. I would perhaps suggest that Mr.
5 Monzon, being Assistant Deputy Minister for
6 Administration, could be better prepared to explain the
7 details of this work planning and operations component.

8 I can certainly assist the Board, but I
9 believe it would be more helpful for someone who had
10 direct responsibility for that particular component to
11 explain it.

12 Q. With the Board;s indulgence I just
13 want to check one item.

14 Mr. Douglas, in Exhibit 6A, which is your
15 supplement to the evidence on page 14, you indicate -
16 in No. 8 near the bottom of that page - that you will
17 be attending the hearing and giving evidence with
18 respect to paragraphs 36 to 66 in the statement of
19 evidence.

20 Did you write paragraphs 36 to 66?

21 A. Yes, I did.

22 Q. And you are now saying you are not in
23 a position to answer questions arising out of paragraph
24 60?

25 A. I can give you a general description

1 of that system. What we did in terms of packaging our
2 evidence was try to put it together in reasonable
3 blocks in terms of the management system which I
4 described up there.

5 I had direct experience in I think four
6 of those components, so it seemed to make sense for me
7 to provide that.

8 If you want a general explanation of 6,
9 of the work plan, I can provide it. I am just
10 suggesting that because Mr. Monzon had corporate
11 responsibility for that, it would make sore sense for
12 him to provide that information to the Board.

13 Q. Mr. Monzon, did you help in the
14 preparation of paragraphs 36 to 66?

15 MR. MONZON: A. I reviewed them.

16 Q. Are you familiar with the work plan
17 area?

18 A. Yes.

19 Q. I would be content to have you
20 comment on the question.

21 A. In terms of establishing the overall
22 priorities for the Ministry, those are established at
23 the corporate level by the Deputy Minister and Senior
24 Executive Committee and, generally, refer to the thrust
25 of Ministry activity as to where that thrust should be

1 over the next number of years -- or the next fiscal
2 cycle.

3 The priorities that are referred to at the
4 corporate level are the priorities of government, and
5 are taken -- determined from such areas; For example,
6 as the throne speech of the government, the areas that
7 directly relate to the Ministry of Natural Resources.

8 Q. Mr. Monzon or Mr. Douglas, can you
9 advise me and advise the Board in what form the
10 instructions come, apart from the throne speech?

11 A. The instructions -- sorry, the
12 instructions? Can you elaborate on the term
13 'instructions'?

14 I am just not clear whether you are
15 looking for the instructions from - I understand the
16 document - from the Deputy to the organization or to
17 the Ministry?

18 Q. In the context as it is set out at
19 paragraph 60, the first sentence:

20 "...instructions which establish overall
21 priorities..."

22 A. The overall priorities, as they are
23 set out by the Deputy, are communicated to the
24 Assistant Deputy Ministers and Executive Co-ordinators
25 in the organization through a memo which accompanies

1 some detailed instructions on the starting of the work
2 planning process.

3 The detailed instructions are time lines
4 in terms of when the regions are -- when districts are
5 to have their work plans done, when they are to have
6 them reviewed by the region, when the region has them
7 reviewed by the various Assistant Deputy Ministers,
8 when they are reviewed by main office and so forth.

9 Q. Mr. Monzon, could I ask you, are
10 there priority-setting guidelines?

11 A. Priority-setting guidelines, there
12 are in essence two sets; the set from the Deputy gives
13 the broad direction for the Ministry at the Assistant
14 Deputy Ministry level.

15 The set from the Deputy Minister sets the
16 broad direction from the Ministry. Then at the
17 Assistant Deputy Minister level and Executive
18 Co-ordinator level, there are more specific priorities
19 that are established by each of those administrative
20 units.

21 Q. Are these produced on an annual
22 basis--

23 A. Yes.

24 Q. --or are the guidelines applicable to
25 more than one year?

1 A. No, they are established on an annual
2 basis.

3 Q. Are those privileged or confidential?

4 A. No, not at all.

5 Q. Could I ask if you would produce for
6 the Board the priority guidelines for the last fiscal
7 year at the Deputy Minister -- Assistant Deputy
8 Minister level?

9 A. For 1987/88?

10 Q. Whatever is the appropriate year,
11 unless you have them this year now, perhaps the last --

12 A. For 88/89?

13 Q. Perhaps 87/88 and 88/89.

14 A. Yes.

15 Q. Thank you. How general or specific
16 do the guidelines -- are the guidelines, say, in the
17 area of wood production?

18 A. The area of wood production, they
19 would -- I am getting on shaky ground because I can't
20 recall specifics, but I think they would be fairly
21 general. There may be information which reflects
22 intents to focus at particular levels of regeneration.

23 Q. Thank you. Perhaps we can leave that
24 until we see the productions that you will be
25 providing.

1 Mr. Douglas, I would like to ask you the
2 subject generally of the integrated resource management
3 and targets.

4 Now, I understand from your testimony
5 that one of the principles of integrated resource
6 management is that there is a need for MNR to take into
7 account the environmental impacts of its activities,
8 plans and programs. I believe you answered "yes" to
9 that question earlier.

10 MR. DOUGLAS: A. Correct, yes.

11 Q. And I presume an example of a target
12 would be something like what we saw in the Wawa
13 Guidelines for wood?

14 A. That's one example.

15 Q. That's one example?

16 A. Yes.

17 Q. And that is an economic or a
18 production target; is it not?

19 A. It is a target for wood supply
20 essentially.

21 Q. And would it be fair to say that by
22 and large IRM is the main philosophy MNR is to use in
23 order to achieve its targets?

24 A. IRM is the mechanism to co-ordinate
25 achievement of overall targets, the co-ordination of

1 altogether, as opposed to, necessarily, the philosophy
2 for just one.

3 Q. Page 39 of your evidence under the
4 heading Definition, the second paragraph.

5 MR. FREIDIN: What page?

6 MR. CASTRILLI: Sorry, page 39.

7 Q. Do you have that page, Mr. Douglas?

8 MR. DOUGLAS: A. Yes, that was evidence
9 led by Mr. Monzon.

10 Q. I believe it is also referred to as a
11 document you are familiar with?

12 A. Yes.

13 Q. And it is refered to in paragraphs 36
14 to 66.

15 And you set out there that IRM is the
16 main corporate philosophy to be used by MNR staff to
17 achieve Ministry goals and objectives and targets.

18 Could you confirm for me that targets are
19 mainly reached through MNR programs, such as the
20 forestry program?

21 A. Forestry program, parks program,
22 fisheries program.

23 Q. And would it be fair to say that when
24 the IRM definition talks about minimizing conflicts
25 between programs, that the conflicts referred to are

1 really conflicts between targets?

2 A. Not necessarily. It is certainly
3 true in some cases.

4 MR. CASTRILLI: Mr. Chairman, I am
5 wondering -- I don't recall when I began, but is this
6 an appropriate time for a break?

7 THE CHAIRMAN: Yes. It is just after
8 eleven o'clock, so perhaps we will break for twenty
9 minutes.

10 Thank you.

11 ---Recess at 11:05 a.m.

12 ---Upon resuming at 11:33 a.m.

13 THE CHAIRMAN: Thank you. Be seated,
14 please.

15 Mr. Castrilli?

16 MR. CASTRILLI: Thank you, Mr. Chairman.

17 Q. Mr. Douglas, we have spoken from time
18 to time over the last two days on the subject of
19 targets and this is where we were at the break, and I
20 have now on the record Mr. Monzon's comments and your
21 comments regarding your indication of where you say the
22 targets come from, and I understand -- or how the
23 targets are developed, let me put it that way, and you
24 have indicated they begin at the district level, go up
25 to the province, and then are reassigned down.

1 I would like to refer you in this regard
2 to Exhibit 9, if I might, which is the Northwest
3 Ontario Strategic Land Use Plan, already in evidence,
4 page 19. I am sorry, do you have that page?

5 MR. DOUGLAS: A. Page 19?

6 Q. Of the Northwest Ontario Strategic
7 Land Use Plan which is Exhibit 9?

8 A. Mm-hmm.

9 Q. On that page we are looking at the
10 heading Forestry and I would like to ask you to look
11 under the heading for Wood Requirements and there two
12 passages, in particular, under Wood Requirements and
13 then one under the heading of Target.

14 In that first paragraph --

15 A. Again, I would suggest that I had no
16 part in the preparation of this Northwest Strategic
17 Land Use Plan, it was something that was prepared under
18 the direction, I believe, of Mr. Monzon.

19 And if you want to talk about specifics
20 within this plan itself, you would be probably best
21 advised to direct the questions to Mr. Monzon.

22 Q. I am content. I will just ask the
23 question and, on this one, you can decide which among
24 the two of you wants to answer it.

25 Can either of you confirm for me that

1 under the heading Wood Requirements, the first
2 paragraph indicates:

3 "The Crown land wood requirements of the
4 existing industry... "

5 And then it indicates what the numbers are for the
6 planning region. And then under heading D, which is
7 labeled Target, it indicates in the first paragraph:

8 "To meet the wood requirements of the
9 forest industry in the planning
10 region..."

11 for the year that's set out there.

12 Would you agree that the passages that I
13 just read into the record appear to suggest that the
14 targets are to be set in part, at least, in reaction to
15 the demands of the industry and not necessarily on the
16 basis of the wood supply?

17 MR. MONZON: A. Yes.

18 Q. Aren't those both demand statements?

19 A. I'm sorry?

20 Q. Aren't those both demand statements
21 and not supply statements?

22 A. Yes, the target is the demand
23 statement. You have to realize though that the target
24 was arrived at through an understanding of supply and
25 capability.

1 Q. I am sorry, the last part of your
2 answer was...?

3 A. You have to understand that the
4 target was arrived at through an understanding of not
5 only supply but, you know, demand -- I am sorry, you
6 have to understand that the target was arrived at not
7 only recognizing demand, but also existing supply and
8 capability.

9 Q. I understand your answer, but under
10 the heading Wood Requirements and then under the
11 heading Wood -- under the heading Target, the numbers
12 are the same, not different.

13 A. That's correct.

14 Q. So it sounds like the requirements
15 resulted in the target and there was no difference in
16 the numbers; is that right?

17 A. The target represents the
18 requirements of the industry at that point -- that was
19 estimated at that point in time.

20 Q. Thank you. Could I again refer -- I
21 think this question is more appropriately now directed
22 back to Mr. Douglas, this next question.

23 Referring now to Exhibit 20. Mr.
24 Douglas, can you confirm for me that the MNR targets
25 exist that are -- or MNR targets that exist are

1 unrealistically high and without clear rationale?

2 MR. DOUGLAS: A. I can't agree that
3 that's a general case, but there may be some situations
4 where that may be true.

5 Q. Could I ask you to turn to page 5 of
6 Exhibit 20?

7 MRS. KOVEN: That's our blank page.

8 MR. CASTRILLI: That's the blank page, I
9 am sorry. Now, the heading on the page would say The
10 Policy System? It doesn't say that either?

11 MR. MARTEL: It doesn't say anything.

12 THE CHAIRMAN: It does not say anything,
13 it is just blank.

14 MR. CASTRILLI: The page is blank.

15 THE CHAIRMAN: The page is blank.

16 MR. CASTRILLI: It is one of the most
17 important pages in my entire cross-examination.

18 MR. MARTEL: You blew it.

19 MR. CASTRILLI: My assistants --

20 MR. MONZON: Next question.

21 MR. CASTRILLI: I thought you meant the
22 page number was blank, not the page was blank.

23 THE CHAIRMAN: No, no.

24 MR. CASTRILLI: Perhaps at the break I
25 can have a talk with Mr. Freidin. In the meantime --

1 MR. FREIDIN: It has nothing to do with
2 me.

3 MR. CASTRILLI: I am afraid it do. Well,
4 bear me with while I read into the record what it says
5 and I will undertake to get the required page for you
6 later.

7 Q. Mr. Douglas, I understand you have a
8 page 5 that has a text; is that right?

9 MR. DOUGLAS: A. Yes. I am missing page
10 2, so...

11 Q. You are missing page 2. Perhaps we
12 can both have a talk with Mr. Freidin at the break.

13 MR. FREIDIN: I have nothing to do with
14 it.

15 MR. CASTRILLI: Q. Unfortunately, my
16 question relates to page 5. The third bulleted item
17 down under the heading the Policy System, Specific
18 Issues.

19 A. Mm-hmm.

20 Q. Would you agree with me that it says
21 the following:

22 "Targets exist that are unrealistically
23 high and without clear rationale?"

24 A. That statement is there.

25 Q. And that you have just disagreed with

1 the question when I put it to you a moment ago. Do you
2 want to reconsider my question?

3 A. You ask it in the general. Targets
4 exist which are unrealistically high, there are
5 particular instances where that is correct.

6 I believe in making that statement - and
7 you will have to take this back to 1984 when it was
8 written - some of the recreation requirements under the
9 park program, I believe at that time we thought were
10 unrealistically high because they were essentially
11 based on population projections coming out of the early
12 1970s, and at that time population was expected to grow
13 more than it did.

14 We got down to a birth rate of something
15 like 1.8 and that has, for example, affected what would
16 be the realistic target if we were to re-calculate it
17 today. That's an example.

18 Q. Would another example be the wood
19 supply target?

20 A. I am not an expert in wood supply.
21 From my general knowledge, I understand that those --
22 the projections that we have had from 1972 on have
23 been -- even though you get blips in that curve, if you
24 take the general slope, it's pretty close.

25 Now, that will be particular evidence

1 that will be led by Panel 4 and Panel 5. But, in the
2 general case, I believe that at least at the macro
3 level those numbers have been -- those projections are
4 pretty close.

5 Q. Would you agree with me that it is
6 possible that that statement on page 5 - for those of
7 us that have page 5 - could include the wood supply
8 target; you can't really tell one way or the other, can
9 you?

10 A. Not from that statement.

11 Q. So, therefore, it is possible; would
12 you agree?

13 A. What it says there is that targets
14 should be reviewed. And, certainly, when a new policy
15 is being developed, that occurs at that time.

16 When you revise a policy, when you
17 introduce a new one, you certainly look at the
18 projections at that point in time.

19 Q. The sentence reads:

20 "Targets exist that are unrealistically
21 high and without clear rationale."

22 And that's what the sentence says and I
23 am asking you, in relation to the issue of wood supply,
24 could that statement also apply to that as an example,
25 and your answer is...?

1 A. I am not an expert in wood supply
2 projections. I identified that in terms of the
3 recreation area, where I have some experience, have
4 done some actual projections, I know that there are
5 cases where that statement is in fact true.

6 THE CHAIRMAN: Well, Mr. Douglas, just
7 based on what it says, could it not apply to anything?

8 MR. DOUGLAS: It could.

9 THE CHAIRMAN: It is not defined.

10 MR. DOUGLAS: Yes, yes.

11 THE CHAIRMAN: So, therefore, I think
12 just reading the statement it could apply--

13 MR. DOUGLAS: It could.

14 THE CHAIRMAN: --to anything. Whether it
15 does in fact or not depends on the specific instance
16 that you are dealing with?

17 MR. DOUGLAS: That is correct. And, In
18 fact, it could be true in one specific area but not
19 true in the general and vice versa.

20 MR. MARTEL: Can I ask a question because
21 I am getting confused again.

22 If you take that statement, "targets are
23 unrealistically high and without rationale" and you go
24 back to I think what Mr. Monzon said, targets reflect
25 the demand of industry.

1 How do those two things come together,
2 because one adjusts the targets based on what industry
3 demands, how does one determine whether in fact the
4 wood supply is actually there?

5 MR. MONZON: One has to start with the
6 understanding of what the wood supply or the wood
7 availability is. Then another factor is the demand of
8 industry.

9 Now, as an example: If the wood
10 availability situation is a hundred units and the
11 supply of industry is 80 units, then there is not a
12 problem, in theory, and that assumes that all of the
13 other values and issues that could impact have been
14 looked after, but you have to start from the basis of
15 how much wood is available.

16 MR. MARTEL: So it just doesn't reflect
17 what industry is asking for?

18 MR. MONZON: Oh, no, no. All of those
19 other considerations have to be taken into account.

20 MR. CASTRILLI: Q. Mr. Douglas, would
21 you agree with me that some people within MNR might
22 regard the integrated resource management strategy as a
23 threat to individual programs and to their target
24 achievement?

25 MR. DOUGLAS: A. I think that there may

1 be individuals across the 3,500 employees that might
2 make that statement.

3 Q. Would you agree with me that
4 statement has been made?

5 A. I have heard it on occasion, less
6 frequently in recent years, however.

7 Q. Can I ask you to turn to page 9 of
8 Exhibit 19.

9 A. That's the...

10 Q. Sorry, that's the July, '84 IRM
11 Document.

12 A. What page again, please?

13 Q. Page 9.

14 A. Yes.

15 Q. You will see down there, under the
16 second bulleted item, that there is an indication of
17 what I just read into the record that:

18 "IRM could be perceived as a threat to
19 individual programs and their target
20 achievement."

21 I presume that was written as a result of
22 canvassing of MNR people; is that not correct?

23 A. Yes. In the review we heard some
24 people make that statement.

25 Q. Thank you. Would you agree with me

1 that taking into account the environmental consequences
2 of a program might be seen by some program managers
3 within the Ministry as a threat to the achievement of
4 their programs' targets?

5 A. I think the situation is: The more
6 factors one takes into account, the more complex the
7 job is.

8 Whether you view that as a threat or
9 whether you look positively on the opportunities that
10 integration provides for you, is a matter of personal
11 attitude to a large extent.

12 Q. And do you know whether that is true
13 of the wood production setting of MNR?

14 A. I cannot speak for the entire
15 program. I believe that through the development of
16 this environmental assessment there has been a very
17 positive response from the forestry program, and I
18 believe that it has assisted in getting the message of
19 integrated resource management to a number of staff.

20 I think the opportunities we have had to
21 have a program of working together in some of these
22 documents has been very useful.

23 Q. And you say the print that ties all
24 that document together is Document No. 11?

25 A. Not just document No. 11, Document 11

1 I believe is the framework.

2 Q. That's right.

3 A. I think the statement of IRM
4 philosophy which Mr. Monzon led - and I can refer you
5 to on page 39 - is equally, if not more important,
6 because in integrated resource management it is a
7 positive attitude that is really critical; people want
8 to work together, they know they are expected to work
9 together in terms of the review we undertake, based
10 on -- let me get this straight.

11 On the Document No. 20, one of the things
12 that came back was: If people have a positive attitude
13 and we know what we are all trying to strive for
14 collectively, you will get a lot more results than if
15 you get down into detailed processes.

16 Q. For the record, when you said
17 Document 19, did you mean Exhibit 19?

18 A. Yes.

19 Q. That is the IRM Document from
20 February, 1984?

21 A. Yes. I believe so.

22 Q. And those two documents, Exhibit 19
23 and 20, suggest however that at the time of their
24 writing there were serious problems with integrated
25 resource management programs within the Ministry; is

1 that correct?

2 A. I wouldn't say there were serious
3 problems. We had come out of the land use planning
4 program that Mr. Monzon described with a generally
5 across-the-board very positive attitude of: Let's get
6 on with it and make sure this integration occurs at the
7 next level, in particular, the resource planning
8 management level, and let's go back and look at other
9 components of the management system and make any
10 improvements that we can.

11 Q. So we are clear, the last two pages
12 of exhibit -- I am sorry, not exhibit, of Document 11--

13 A. Which page?

14 Q. --which reproduce, I believe, pages
15 228 and 229 are reproduction of the summary from one of
16 the two documents I have just filed, Exhibit 19 or 20;
17 is that right?

18 A. Summary of Conclusions, that was
19 based on our review and our field discussion with
20 document dated February, '84.

21 Q. Right, that is Document 20 -- excuse
22 me, Exhibit 20. Now, you have got me doing it.

23 So that re-statement at the end of
24 Document 11 appears in the February, '84 IRM Document
25 and that sets out the concerns; is that right,

1 including on page 229:

2 "The lack of consensus to confusion over
3 audiences and contents..." et cetera?

4 A. Could you repeat that, I am not sure
5 of the beginning of the two.

6 Q. The two pages at the end of Document
7 11 or Exhibit 6, which are pages 228 and 229--

8 A. Right.

9 Q. --are a reproduction of the material,
10 and I believe you said, Exhibit 20; is that correct?

11 A. The results coming out of the review,
12 of Document 20.

13 Q. You mean Exhibit 20?

14 A. Exhibit 20, yes.

15 Q. Thank you.

16 Just to summarize then, Mr. Douglas, to
17 be consistent with the IRM principle we have been
18 discussing over the last two days, you would agree with
19 me that we should be setting targets based on what the
20 environment is capable of sustaining at the local or
21 unit management level; is that correct?

22 A. That certainly has to be taken into
23 account, yes.

24 Q. And that may require and should
25 require the development of comprehensive environmental

1 baseline or inventory data at the management unit level
2 before we set targets; is that correct?

3 A. If we are talking about timber
4 management, we need the forest resources inventory to
5 know what the capability is.

6 Q. Forest resources inventory is not an
7 environmental inventory; is it?

8 A. I am not an expert in the FRI itself.

9 Q. It's the inventory of trees; is it
10 not?

11 A. Inventory of trees.

12 Q. What about the rest of the
13 environment?

14 A. In what respect?

15 Q. Let me repeat the question. You
16 would agree that we would -- being consistent with the
17 IRM principle would require development of
18 comprehensive environmental baseline and inventory data
19 at the management unit level before we set targets.

20 I believe you said "yes".

21 A. We would have to have knowledge of
22 what impacts the carrying out of activities with what
23 program would have on that area.

24 And in those cases where we needed the
25 data in order to assess that, that data would be

1 required, yes.

2 I am not sure what you mean by the term
3 'comprehensive resource or environmental inventories',
4 and perhaps even if you did describe it I couldn't
5 comment on that because I am not a biologist.

6 Q. In general, to be consistent with the
7 IRM principle - was the context in which I asked the
8 question. You have to know what environment is there
9 if you are going to be consistent with the IRM
10 principle in terms of protecting it; is that right?

11 A. You have to know what is the impact
12 of the activities that you are undertaking.

13 Q. I am not sure that that is the answer
14 to the question I asked.

15 A. Well, I am not sure that I am
16 completely in agreement with some of the assumptions
17 that I believe --

18 Q. I am talking about the environment
19 before you impact it. Don't you have to know what is
20 there?

21 A. You have to have some idea what is
22 there but, again, you have to be very specific in terms
23 of what you are talking about.

24 Q. Well, I am talking about a particular
25 management unit level. Isn't that the environment we

1 are talking about?

2 A. When you are doing a timber
3 management plan it is for the local management unit,
4 yes.

5 Q. So the environment you are going to
6 be concerned about knowing about is going to be the
7 environment of the local management level; is that
8 right?

9 A. Yes, you have to know certain
10 characteristics of that management unit.

11 Q. And to be consistent with your IRM
12 principle, you are going to need to know what the
13 environment is before you set targets on that
14 environment; is that correct?

15 A. You have to have some knowledge, yes.

16 Q. Thank you.

17 Mr. Monzon, I understand you are forester
18 with a Bachelor's Degree from the University of
19 Toronto.

20 Do you have any graduate degrees in land
21 use planning?

22 MR. MONZON: A. No.

23 Q. Your answer is 'no'?

24 A. No, that's right.

25 Q. Would I be correct that your exposure

1 to land use planning, including strategic land use
2 planning, has been solely in the context of your
3 employment with the Ministry of Natural Resources?

4 A. That is where the experience has been
5 gained, yes.

6 Q. I am not sure the reporter can hear
7 you, so perhaps if you could speak up.

8 A. That is where my experience has been
9 gained, yes.

10 Q. I understand that as Director of the
11 Forest Resources Branch in 1984/85, you initiated the
12 aerial spraying program for gypsy moth and spruce
13 budworm?

14 A. I had a major role in that, yes.

15 Q. And you are also responsible for the
16 movement of MNR towards balanced forest management
17 activities at the field level; is that correct?

18 A. Yes.

19 Q. Would you advise the Board what you
20 mean by balanced forest management?

21 A. The term 'balanced forest
22 management', in my terminology is a more -- a fuller
23 recognition of various management activities that need
24 to take place relative to the timber stock in the
25 forest in order to produce a viable timber crop.

1 Specifically, the issue was one of
2 regeneration effort and how much regeneration effort
3 was being directed at planting as opposed to how much
4 effort was being directed at other forms of
5 regeneration and tending.

6 And one of my initiatives was to attempt
7 to put more resources towards the tending or the
8 maintenance aspect of the forest.

9 Q. And that is what you mean by a
10 balanced forest management, as you have stated in your
11 Curriculum Vitae?

12 A. Yes.

13 Q. Thank you. Now, on page 2 of Exhibit
14 6A --

15 A. I am sorry, 6A?

16 Q. 6A is your supplementary evidence
17 which was filed, I believe, in March of 1988.

18 Do you have that document?

19 A. I am getting there. Page 2?

20 Q. Yes, that's correct. Now, the first
21 full paragraph on that page...

22 A. "At the time of..."?

23 Q. Yes, that's right. You indicate
24 there that: At the time of your posting to the White
25 River District - what was then known as the Department

1 of Lands & Forests - undertook a major initiative, the
2 creation of a master plan for Lake Superior Provincial
3 Park, and I understand you were involved in that master
4 plan exercise?

5 A. That's correct.

6 Q. What was your responsibility, if you
7 can elaborate on it beyond what is stated in the
8 paragraph?

9 A. Well, initially I guess my
10 responsibility was for the overall co-ordination and
11 development of a master plan for the park, the first
12 stage of which was the determination of the basic
13 inventory, basic data relative to park values and to
14 park users.

15 Q. And I presume the inventory included
16 what activities were taking place in the park; is that
17 correct.

18 A. That's correct.

19 Q. Mr. Monzon --

20 A. As well as the different types of
21 natural features within the park.

22 Q. Can you confirm for me that Lake
23 Superior Provincial Park is classified as a natural
24 environment class provincial park?

25 A. I believe that's correct.

1 Q. Could you advise the Board as to the
2 meaning of that term, 'natural environment class
3 provincial park'?

4 A. Yes. Just so there is no confusion,
5 I will quote the definition of a natural environment
6 park that the Ministry uses:

7 "These are parks which incorporate
8 outstanding recreational landscape with
9 representative natural features and
10 historical resources to provide high
11 quality recreational and educational
12 experiences."

13 Q. So that is the general definition of
14 all natural environment class provincial parks in the
15 province; is that correct?

16 A. That's correct.

17 Q. And can you confirm for me that there
18 is a Lake Superior Provincial Park Crown management
19 unit?

20 A. No, I can't specifically confirm
21 that, but if you...

22 Q. It is all right. Can you confirm for
23 me that logging takes place in Lake Superior Provincial
24 Park?

25 A. Yes, certainly it was taking place at

1 the time that I was in the district.

2 Q. Do you know what per cent of that
3 park -- sorry, let me rephrase the question. On what
4 percentage of that park is logging permitted, if you
5 know?

6 A. I couldn't give you an estimate.
7 It is going back a long way in my memory.

8 Q. Is logging a permitted use in a
9 natural environment class provincial park according to
10 the Ontario Provincial Parks Planning Management
11 Policies Book, I believe it is known as the Blue Book?

12 A. Logging is only permitted, to my
13 knowledge, in I believe two provincial parks in the
14 province - I stand to be corrected, but I believe it is
15 two - Algonquin and Lake Superior, and those are
16 exceptions.

17 Q. So the definition of a natural
18 environment class provincial park does not normally
19 include logging?

20 A. That's right.

21 Q. So that the activity of logging in
22 those two provincial parks constitutes an aberration to
23 the natural environment class provincial park
24 classification system?

25 A. I would say it constitutes an

1 exception.

2 Q. An exception or a non-conforming use?

3 A. As I say, it constitutes an
4 exception.

5 Q. An exception, thank you.

6 Now, Mr. Monzon, I recall from your
7 testimony on May 12th you were discussing at one point
8 various Ministry of Natural Resources' statutes
9 referred to in Document 1 of Exhibit 6 which is page
10 33.

11 A. Yes.

12 Q. And I recall you referring to the
13 various statutes that are listed there dealing with
14 such matters as petroleum resources, pits and quarries,
15 provincial parks, water levels, public land, migratory
16 birds, fisheries, Crown timber, as a way of summarizing
17 the contents of pages 33 and 34.

18 Can we agree that no MNR administered
19 statute that you referred to, or that is listed in
20 Document 1 at pages 33 and 34, deals with the authority
21 of the Ministry of Natural Resources to engage in land
22 use planning?

23 A. I would agree that there is not a
24 single statute listed on pages 33, 34 that by itself
25 authorizes the Ministry to engage in land use planning.

1 Although, as a former Minister of Natural
2 Resources indicated some time ago, it was his
3 understanding and interpretation of the statutes that a
4 great variety of the statutes listed on page 33 and 34
5 authorize the Ministry to undertake that activity.

6 Q. Generally "yes", specifically "no";
7 is that the sum and substance of --

8 A. I am sorry, the ...?

9 Q. Generally "yes" but specifically
10 "no"?

11 A. I am not sure I understand what the
12 generally "yes" refers to.

13 MR. CASTRILLI: I realize I am getting
14 into an area that --

15 MR. FREIDIN: I am wondering what the
16 significance of this line of questioning is.

17 MR. CASTRILLI: It will become apparent,
18 but the witness has already testified on these two
19 pages, they are in his materials, I am certainly
20 entitled to ask him questions about it.

21 THE CHAIRMAN: Well, has he not indicated
22 though there is no specific statute in these two pages
23 that specifically refers to land use planning, but it
24 is his understanding that a former Minister has
25 interpreted several of these statutes to permit the

1 Ministry to engage in that activity.

2 MR. CASTRILLI: I am content with the
3 answer. I don't have any further questions in that
4 particular area.

5 Q. Mr. Monzon, I understand from your
6 testimony that it is self-evident that activities of
7 the Ministry of Natural Resources are subject to the
8 authority of the Environmental Assessment Act, unless
9 exempted by the Minister of Environment.

10 Pages 11 and 12 of your testimony,
11 paragraph 12 and you refer underneath that paragraph on
12 page 12 to Document 2, which commences at page 35 of
13 your evidence.

14 And on the pages commencing at page 35
15 you provide the Board with a summary of the exemption
16 status of MNR activities under the Environmental
17 Assessment Act, including the one that is the subject
18 matter of this hearing which appears at page 36; is
19 that correct?

20 MR. MONZON: A. Generally, yes. Not
21 only a summary of the exemption status, but a summary
22 of the status of all of the activities. Some are
23 covered off by means other than exemption.

24 Q. That's fine. I am just focusing on
25 the ones that are the subject matter of this hearing.

1 A. Yes.

2 Q. Now, on that page -- on the left-hand
3 side of the page, you indicate what the activity is and
4 on the right-hand side of the page you indicate it's -
5 in this case - exemption status, and you note there --
6 first of all, I presume you wrote this or prepared this
7 Document 2?

8 A. I reviewed it.

9 Q. You reviewed it. Now, you note there
10 that pursuant to what is known as MNR 11/9, the
11 undertaking that is before this Board was exempted from
12 December 31, 1984, until the ultimate approval by this
13 Board of the Class EA.

14 Would you confirm for me that the
15 reference to an MNR 11/9 refers to the 9th exemption
16 order that the Ministry of Natural Resources has
17 received for this undertaking in the 11 series?

18 A. I specifically can't confirm the
19 number. If that is the number that you have arrived at
20 through account, then I would accept that.

21 Q. That is what I presume 11/9 means.

22 MR. FREIDIN: It is our information, Mr.
23 Chairman, that there were nine renewals.

24 MR. CASTRILLI: Thank you, Mr. Freidin.

25 Q. And, Mr. Monzon, can you advise the

1 Board whether MNR has met all the conditions of the
2 nine exemptions?

3 MR. MONZON: A. I would have to go back
4 and look at all of the specific conditions under each
5 of those orders. My general understanding would be
6 yes, otherwise I don't think we would be here.

7 THE CHAIRMAN: What is the significance,
8 Mr. Castrilli, if some item in one of the exemption
9 orders, the earlier ones, has not been met, but
10 notwithstanding, the Cabinet has issued a further
11 exemption order?

12 MR. CASTRILLI: Well, perhaps we should
13 get the next exhibit on the record and then I think my
14 line of questioning will become clear.

15 Q. Mr. Monzon, generally, is it your
16 understanding that the first exemption order that the
17 Ministry of Natural Resources received under the 11
18 series was dated June, 1977?

19 A. Yes, I believe so.

20 Q. Do you have a copy of what is known
21 as MNR-11 before you?

22 A. No.

23 Q. Maybe I can provide you with -- do
24 you recognize that document, Mr. Monzon, as the MNR-11
25 exemption order we have been referring to? (Handed)

1 A. Yes.

2 MR. CASTRILLI: Mr. Chairman, I would
3 like to make this the next exhibit. (Handed)

4 THE CHAIRMAN: Exhibit 21. It should be
5 entitled MNR-11 Exemption Pursuant to the Environmental
6 Assessment Act, 1975. And this exemption is: with
7 respect to the management of the Ministry of Natural
8 Resources of Crown land presently included in forestry
9 management units which is currently exempted until July
10 1st, 1978.

11 I guess we had better complete that: be
12 exempted from the application of the Act for an
13 additional period of 18 months pursuant to Section 30.
14 ---EXHIBIT NO. 21: MNR-11 Exemption pursuant to the
15 Environmental Assessment Act.

16 MR. CASTRILLI: Sorry, Mr. Chairman, this
17 is Exhibit 21?

18 THE CHAIRMAN: Exhibit 21.

19 MR. CASTRILLI: Thank you.

20 Q. Mr. Monzon, can you -- sorry, let me
21 rephrase that. You would agree with me that MNR
22 -- Exhibit 21, indicating as it does that it is dated
23 in June of 1977, confirms that MNR has had exemptions
24 for this undertaking for the last 11 - if my math is
25 correct - the last 11 years?

1 MR. MONZON: A. Yes.

2 Q. And would you further agree with me
3 that a reader of page 36 of your evidence would be left
4 with the impression that this undertaking had - to use
5 the terminology in column 2 of page 36 - been
6 temporarily exempt from the Environmental Assessment
7 Act since December 31, '84; is that right?

8 THE CHAIRMAN: Sorry, would you repeat
9 that, please?

10 MR. CASTRILLI: Sorry, maybe there is a
11 synapse gap in the question.

12 Q. Would you agree with me that from a
13 review of page 36 of your evidence, a reader of that
14 page would be left with the impression that this
15 undertaking had only been temporarily exempt, as you
16 put it, from the Environmental Assessment Act since
17 December 31, 1984?

18 MR. MONZON: A. Certainly, my reading
19 would be that it would be exempted effective December
20 31st, 1984.

21 Q. But the complete picture, if you
22 like, is not the sole reference to 11/9, the complete
23 picture is, in fact, the nine exemption orders dating
24 from June of 1977; is that correct, that apply to that
25 undertaking?

1 A. In terms of the number of years that
2 the Ministry has been involved with exemption orders
3 and the preparation of the undertaking, it has been
4 longer than since 1984.

5 Q. Thank you. So that a more
6 comprehensive and complete statement of, if you like,
7 the history in relation to the undertaking that is
8 outlined on the left-hand side of page 36 would be, for
9 example, exempt by MNR-11 through to MNR-9.

10 Would that be a more complete statement
11 of the situation on that first line on the second
12 column?

13 A. If one was attempting to put -- if we
14 were attempting to put the history down in terms of the
15 exemption orders, that would have done it.

16 The document, I believe it is, No. 2
17 simply was intended to show the summary of the status
18 of the activities and not to show the history of the --
19 in this case, the exemption order relative to forest
20 management on Crown land, nor to show the history for
21 any of the other activities that are located in the
22 list.

23 Q. That is fine. So the purpose of
24 Document 2 is to outline the current status and not the
25 history; is that correct?

1 A. That's correct.

2 Q. Now, if I could ask you to turn to
3 Exhibit 21, which is MNR-11, the exemption order. I
4 refer you, in particular, to the paragraph just above
5 the bulleted Item No. 1, slightly more than halfway
6 down the page, the paragraph -- it begins:

7 "From the then Minister of the
8 Environment, Mr. McKague: I am of the
9 opinion that it is in the public interest
10 to order and do order that the
11 undertaking is exempt from the
12 application of the Act for the following
13 reasons..."

14 And then the order begins or proceeds to set out the
15 reasons.

16 I would like to refer you to Item 1 under
17 that quoted matter.

18 MR. FREIDIN: Mr. Chairman, again, I
19 don't know where my friend is going and I don't know
20 how it will help this Board in making a decision in
21 this case as to what the terms or conditions were of an
22 order in 1977 or any other year for an undertaking
23 which is presently exempt under an order MNR 11-9.

24 What is really important is what is the
25 undertaking which is before you.

1 THE CHAIRMAN: Well, I appreciate what
2 you are saying, Mr. Freidin, but the whole purpose of
3 this panel is to put the context of this hearing in
4 some kind of historical perspective.

5 I think in order for the Board to
6 understand where we are today, before we get into the
7 detailed evidence of this particular undertaking, this
8 exemption order, as well as others, sort of forms the
9 overall historical picture.

10 So I do not think the Board objects at
11 this stage to your canvassing, if that is the purpose
12 for which you are putting this stuff before us. I
13 assume it is.

14 MR. CASTRILLI: Yes, yes. Thank you.

15 Q. Item 1, Mr. Monzon, indicates that
16 the Ministry of Natural Resources requires a further
17 period of time prior to any application of
18 environmental assessment procedures to be undertaken in
19 order to complete revisions to its overall forest
20 policy direction, and then the paragraph goes on to
21 outline, in bulleted form, the revisions and there are
22 two there.

23 And, I presume - and perhaps you can
24 confirm this for me - were these conditions that are -
25 that we are going to talk about in a moment - to be

1 fulfilled by the expiry date of this exemption which
2 was to be December 31, 1979?

3 Is that your understanding of the order?

4 MR. MONZON: A. I would have to read the
5 order in some detail. At the time that this order was
6 made, I was stationed in Thunder Bay as a lands
7 co-ordinator for the northcentral region, so I didn't
8 have any involvement in the preparation or what have
9 you of the order.

10 Q. Okay. Well, maybe just to put it in
11 context, on page -- on the second page of the order, it
12 says:

13 "This exemption is subject to the
14 following terms and conditions. The
15 exemption expires on December 31, 1979."

16 Let me just come back to the bulleted
17 items on page 1. The first item outlined there is:

18 "A review of all aspects of forest
19 regeneration..."

20 And it says:

21 "...and development of definitive policy
22 guidelines on the size of the
23 clearcuts."

24 Just stopping there and beginning with
25 the second part, commencing:

1 "...and development of definitive
2 policy guidelines on the size of
3 clearcuts."

4 Is it your understanding that the
5 Ministry of Natural Resources has a definitive policy
6 guideline on the size of clearcuts?

7 A. At this point, I am not aware if
8 there is such a policy guideline or not.

9 Q. Perhaps I could ask: Are we going to
10 hear about this in the relevant panel to which it
11 applies?

12 And that's really, I suppose, a question
13 directed to Mr. Freidin.

14 MR. FREIDIN: We will be providing all of
15 the information about clearcuts within the harvesting
16 methods in Panel No. 9.

17 MR. CASTRILLI: And I presume, therefore,
18 that it will include the matter I have just referred to
19 in this exemption order; is that correct?

20 MR. FREIDIN: They will indicate whether
21 there is a policy or whether there is not a policy, and
22 if there is a policy, what it is. That information
23 will be provided to you along with policy in that
24 panel's statement and all the appendices thereto.

25 MR. CASTRILLI: Fine. Thank you.

1 Q. And I presume that relates to the
2 other two matters that are bulleted on that page, the
3 completion of a study of privatization of forest
4 management and all aspects of forest regeneration?

5 Again, unfortunately, I seem to be asking
6 Mr. Freidin this question if the witnesses don't know.

7 MR. MONZON: A. If you are asking me, I
8 can't comment because I am not aware of the status of
9 that.

10 THE CHAIRMAN: Mr. Castrilli, even though
11 it is mentioned as reasons for the granting of the
12 order, have those reasons been carried on to the
13 conditions attached to the exemption?

14 MR. CASTRILLI: I think that's the
15 context in which I am reading the order, that they
16 would not have obtained an exemption if they hadn't, in
17 fact, eventually complied with the conditions and
18 that's what the conditions are for.

19 THE CHAIRMAN: Well, s it also sets out
20 on the second page of this order that the exemption is
21 subject to the following terms and conditions, and then
22 it lists three conditions.

23 I am not sure that Condition 2 and
24 Condition 3 necessarily match the rationale given for
25 granting the exemption in the first place on the first

1 page.

2 MR. CASTRILLI: That's fair enough.

3 All I am asking this witness is: Is
4 there such a definitive policy on controlling the size
5 of clearcuts or not, which was a reason that was given
6 by the Ministry in 1977 for obtaining an exemption, and
7 he seems to be tell me he doesn't know...

8 THE CHAIRMAN: Well, he indicated he
9 would not know, and I think Mr. Freidin indicated that
10 whatever the policy is, if there is one, will be dealt
11 with by a subsequent panel.

12 MR. CASTRILLI: I am content with that
13 answer.

14 Q. Mr. Monzon, I believe previously you
15 indicated in your evidence that development of the IRM
16 philosophy was influenced by increasing awareness about
17 the limitations of and confusion associated with the
18 multiple-use concept; is that correct?

19 MR. MONZON: A. Yes.

20 Q. Can you advise the Board what the
21 limitations of and confusion associated with that
22 multiple-use concept were?

23 A. Generally, the confusion arose from
24 the strict definition of the term. A multiple use has
25 been utilized in the Ministry in the form of Department

1 Lands & Forests for a number of years and really is an
2 application of, if you want, management philosophy to a
3 large area of land.

4 And just for an example, to put it in
5 context, let's say a hundred to a thousand acres and
6 up, and the application of that philosophy means two or
7 three or four uses can take places on that piece of
8 land generally within the same period of time.

9 The confusion was arriving from the fact
10 that people were starting to try and apply the
11 philosophy on very small pieces of land, on two acres
12 and five acres and ten acres, and also to try and --
13 well, I think that's probably enough said.

14 Given the size of those parcels of land
15 and the particular types of activities that could be
16 carried out on them, multiple use was not an applicable
17 management philosophy or management strategy to follow.

18 On very small pieces of land - and I
19 would use the example such as aggregate - you would
20 want to follow perhaps a policy of sequential use, or
21 as you go in and you deal with the aggregate and you
22 remove the aggregate through a quarry, you then have a
23 pit in the order of an acre or two acres or less, and
24 then there is rehabilitation work done and that land is
25 put to another use.

1 So the uses follow sequentially.

2 MR. MARTEL: Can I ask a question. But
3 Algonquin Park was a multiple-use concept involved
4 there; was it not?

5 MR. MONZON: I would agree that you're
6 right in my understanding, sir, of that term.

7 Again, the Algonquin Park area that I
8 referred to briefly in my evidence statement is not an
9 area nor is the management of that area something that
10 I am specifically familiar with, but the multiple-use
11 concept, yes.

12 You could also apply it to Lake Superior.

13 And the logging activities, the timber
14 harvesting and those activities in those two parks are
15 exceptions for very particular reasons relative to the
16 timber industry and the economic benefits relative to
17 the surrounding community.

18 MR. CASTRILLI: Q. Mr. Monzon, would I
19 be correct in assuming that part of the confusion
20 associated with multiple use as well had to do with
21 resource conflicts?

22 MR. MONZON: A. Could you explain what
23 you mean by that?

24 Q. It would be easier, I suppose, to
25 take you to one of your documents to do that.

1 I understand that your evidence is that
2 the Ministry of Natural Resources embarked on a land
3 use planning process in the early 1970s, in part, to
4 address the problem of resource conflicts; is that not
5 correct?

6 A. That is correct. More specifically,
7 to address the issue of integration and maximize the
8 benefits.

9 Q. Now, in your testimony -- or in your
10 evidence, you refer to certain land use guideline
11 documents and you have included them in your statement
12 of evidence.

13 The two I am referring to our Document 5,
14 which commences at page 43 of Exhibit 6, and Exhibit 10
15 which came in the supplementary evidence. These are --

16 A. I am sorry. I have the Land Use
17 Guidelines. Exhibit 10 is...?

18 Q. Exhibit 10 is also called the
19 Guidelines for Land Use Planning. The Document 5 is
20 dated 1974, and Exhibit 10 is dated 1980, reprinted
21 1982.

22 A. Oh, I see.

23 Q. The same title. Do you have those
24 documents before you?

25 A. Yes, I do.

1 Q. Now, could you advise the Board, are
2 these two documents meant to be different editions of
3 each other?

4 A. You could use the term edition, I
5 would use the term one is a refinement of the other.

6 Q. Now, I understand the purpose of
7 these Guidelines for Land Use Planning was that they
8 were to be used by those who were involved in the
9 preparation of MNR plans?

10 A. Yes, that's correct.

11 Q. Perhaps we can just turn to page 1 of
12 Exhibit 10. The fifth paragraph -- the fifth and sixth
13 paragraphs actually use that term and elsewhere from
14 that forward, I understand, that the guidelines are
15 also of interest to those who wish to examine MNR's
16 approach to planning; is that correct?

17 A. Yes.

18 Q. And these guidelines were
19 specifically developed for the purpose of preparing MNR
20 District Land Use Plans and were and are the basis for
21 evaluating all such plans?

22 A. Yes, that is correct. The
23 terminology has changed, but the intent is the same.

24 Q. Thank you. And I understand the
25 guidelines were also to be used as a general guide for

1 all levels of land use planning within the Ministry; is
2 that correct?

3 A. That's correct.

4 Q. So if I could summarize these
5 Guidelines for Land Use Planning are key for MNR
6 district managers to seek direction and guidance in
7 preparing their land use plans?

8 A. Yes, I believe that would be a
9 reasonable characterization.

10 Q. Thank you. Now, would you also
11 confirm for me that these two documents, which are both
12 Ministry of Natural Resources' Documents,
13 notwithstanding their same title, are different from
14 each other and what they choose to emphasize?

15 A. You may have to help me on that, but
16 the emphasis may be -- we may have some difference on
17 that.

18 Q. Sure. I will be doing that.

19 Would you agree that in Exhibit 10 you
20 have chosen to de-emphasize or give less prominence to
21 sensitive areas and features than in the Document 5,
22 1974, edition?

23 A. Can I take a moment and refer to the
24 appropriate sections?

25 Q. Let me do it this way: Let me refer

1 you to page 50 of your evidence.

2 MR. FREIDIN: Mr. Chairman, I would just
3 like to interject that if the witness feels that he
4 would like to refer to parts of a document other than
5 the ones that Mr. Castrilli wishes him to to answer the
6 question, he should be allowed the opportunity.

7 MR. CASTRILLI: Well, I haven't asked the
8 question yet. He will be able to do that when I ask
9 the question.

10 THE CHAIRMAN: We have to find out what
11 the question is first.

12 MR. CASTRILLI: Examination-in-chief is
13 over.

14 Q. The table of contents on that page
15 indicates that there is a Chapter VI?

16 MR. MONZON: A. Yes.

17 Q. And the heading of the chapter is
18 Sensitive Areas and Features.

19 Would you agree with me that in looking
20 at the Table of Contents for Chapter 10 -- excuse me,
21 for Exhibit 10, which is at page 3, there is no longer
22 a chapter on sensitive areas that will be immediately
23 visible to the reader?

24 A. That is correct, there is no specific
25 chapter of that title.

1 Q. And in looking still at Exhibit 6,
2 Document 5, again at page 50, there is also an Appendix
3 C which is entitled Sensitive Areas and Features Report
4 Form?

5 A. Yes.

6 Q. And would you confirm for me that in
7 document -- excuse me, that in Exhibit 10 there is no
8 longer such an appendix for sensitive areas?

9 A. Yes, that is correct.

10 Q. Would you agree that this suggests a
11 de-emphasis in Exhibit 10 on sensitive areas in
12 comparison to its treatment in Document 5?

13 A. I would suggest that it suggests a
14 re-ordering of the structure of the document and
15 nothing more than that.

16 It is certainly not an attempt to
17 de-emphasize a particular aspect, particularly
18 sensitive areas and features.

19 Q. Are you suggesting that Exhibit 10
20 places greater emphasis on sensitive areas and features
21 at the same time as it eliminates the topic from the
22 Table of Contents and eliminates a chapter on the
23 topic?

24 A. As I indicated, I would like to just
25 have a -- to look at the document a little bit to be

1 able to answer that question more fully.

2 THE CHAIRMAN: In fairness, Mr.
3 Castrilli, why don't you wait until after the lunch
4 hour, come back to this question, and it will give you,
5 Mr. Monzon, an opportunity over the lunch hour to
6 review both documents so that you can familiarize
7 yourself with them.

8 MR. CASTRILLI: I am content to do that,
9 Mr. Chairman. Thank you.

10 THE CHAIRMAN: I think at this time we
11 might as well break for lunch.

12 The Board will adjourn until 2:00 p.m.

13 MR. HUNTER: Is it possible to start at
14 1:30? I know I am imposing, but I am concerned about
15 trying to get on today.

16 THE CHAIRMAN: How long do you feel you
17 are going to be going, Mr. Castrilli?

18 MR. CASTRILLI: Well, we are coming down
19 the home stretch. I would think maybe --

20 THE CHAIRMAN: Are you hoping to finish
21 today, Mr. Hunter, with your cross-examination?

22 MR. HUNTER: I was hoping.

23 MR. MONZON: I am hoping.

24 MR. CASTRILLI: I would be guessing. It
25 looks like two to three hours, I am not certain.

1 THE CHAIRMAN: More?

2 MR. CASTRILLI: Yes. It could be closer
3 to two.

4 THE CHAIRMAN: And you say you might be
5 two hours?

6 MR. HUNTER: Yes.

7 Well, I guess my concern is that if Mr.
8 Castrilli were to be two more, then I would implore the
9 Board to sit through me.

10 If Mr. Castrilli is going to be three,
11 then I would say there is not much -- that means 5:00,
12 to 5:30, then there is not that much point in me going
13 on today and I will try to accomplish something else.

14 There is no answer to it.

15 THE CHAIRMAN: Well, is a half hour going
16 to make any difference one way or the other?

17 MR. HUNTER: No, it won't.

18 THE CHAIRMAN: Because I think with what
19 he is saying, between two and three, it is not going to
20 make much difference.

21 MR. HUNTER: Half an hour doesn't make
22 any difference.

23 THE CHAIRMAN: All right. I think in
24 view of the hours that we sat yesterday, it might be
25 preferable to take the extra half hour for lunch.

1 MR. HUNTER: Are you perpared to go this
2 evening?

3 THE CHAIRMAN: Well...

4 MR. FREIDIN: I will have something to
5 say about that.

6 THE CHAIRMAN: Well, in fairness to both
7 the parties and the Board, I think sitting beyond five
8 or six hours a day, dealing with this kind of evidence,
9 is difficult for everybody, particularly in view of the
10 mind that the lawyer's job doesn't necessarily finish
11 when we rise from here. I mean, they have preparation
12 for the following day, et cetera.

13 So I don't think we would like to go
14 beyond five on a normal sitting day when we start at
15 9:30.

16 I also think that it is advantageous to
17 everybody to have an hour and a half break at the lunch
18 hour, not only can you go out and eat lunch, but you
19 may have a half hour to take a walk and unwind.

20 I think this hearing is going to go on,
21 Mr. Hunter, for so long that these extra little half
22 hours at the end of the day are not going to make all
23 that much difference.

24 MR. COSMAN: Mr. Chairman, do I
25 understand, in any event, that you'll be breaking from

1 the order of cross-examination in order to hear
2 submissions on the two matters you raised tomorrow
3 morning and then going back to cross-examination after
4 that?

5 THE CHAIRMAN: That's right. We have
6 scheduled, as you are aware, the issue between forest
7 management and timber management for tomorrow morning,
8 plus possibly a discussion on the scoping exercises
9 that we might be able to accomplish as well.

10 So you may not be going on, if Mr.
11 Castrilli takes most of the afternoon, really until
12 tomorrow afternoon in terms of your cross-examination.

13 MR. HUNTER: Yes. I think one of the
14 concerns I had, Mr. Chairman, was that in addressing
15 the issue of the exemption tomorrow, there were certain
16 specific issues I wanted to raise in the
17 cross-examination today so that no one could say that I
18 was blind-siding it, because I will be arguing it in
19 evidence in relationship to the exemption order.

20 That's one of my concerns.

21 THE CHAIRMAN: Well, I suppose we could
22 reschedule the motion towards the latter part of the
23 day and allow you to, at least, start your
24 cross-examination and deal with that evidence you want
25 to get on up front.

1 MR. HUNTER: I will consider that, okay.

2 THE CHAIRMAN: Is that a possibility?

3 MR. FREIDIN: Can I just take that under
4 advisement and comment on it at two o'clock?

5 THE CHAIRMAN: Okay. Why don't you sort
6 of consider between, and amongst you, the order of how
7 this thing is going to proceed starting with after
8 lunch, and take into account this discussion we just
9 had about the motion tomorrow morning.

10 We will adjourn until 2:00 p.m.

11 ---Luncheon recess at 12:35 p.m.

12 ---Upon resuming at 2:00 p.m.

13 THE CHAIRMAN: Thank you. Be seated,
14 please.

15 Mr. Castrilli?

16 MR. CASTRILLI: Thank you, Mr. Chairman.

17 Q. Mr. Monzon, I believe we left off
18 before the break on a question involving sensitive
19 areas. I am wondering, do you want me to repeat the
20 question; would that be helpful?

21 MR. MONZON: A. Sure.

22 Q. I believe I asked you whether
23 differences in Document 5 of Exhibit 6 and Exhibit 10,
24 both referring to Guidelines for Land Use Planning,
25 1974 and 1980 respectively, suggests a de-emphasis on

1 sensitive areas in the latter document as compared to
2 the former document?

3 MR. MONZON: A. To respond, Mr.
4 Chairman, my sense would be: No, that is not the case.
5 The fact that the contents of Document No. 5 had a
6 "chapter" devoted to sensitive areas is an item, but I
7 believe that if one looks closely at Document 10 one
8 will see that sensitive areas is addressed in, what I
9 would characterize at least, as an intense degree of
10 detail.

11 Sensitive areas are described in the
12 Problems and Issue Section on page 13. It talks about
13 the identification of features, it talks about an
14 inventory and, in fact, indicates further:

15 "The details of this inventory of
16 sensitive areas are given in a separate
17 circular."

18 So that there is a separate procedural
19 bulletin.

20 For the purposes of an explanation to the
21 Board, that is simply a set of directions which are
22 issued by the Ministry to various offices as to how to,
23 in this case, probably identify and compile a record of
24 sensitive areas. So there is reference to the
25 circular.

1 On page 12 of Document 10, under Item B,
2 at the top, there is a listing of natural resources;
3 items such as unique or rare rock forms, rare and
4 endangered species of vegetation, historical and
5 cultural areas and sites, endangered species of
6 fisheries and wildlife are identified as resources that
7 have to be identified.

8 Those are all within the context of
9 sensitive areas and, indeed, that definition shows on
10 page 13, bottom paragraph on the left, top paragraph on
11 the right and I quote:

12 "Areas that contain such features are
13 called sensitive areas and they may be
14 geological, biological, historical or
15 cultural, or a mixture of all or any
16 combination."

17 Also, on page 15, when we are referring
18 to map preparation, there is the identification on
19 paragraph (b) on the left-hand side of the page that
20 one has to prepare a conceptual plan for amenities,
21 such items as proposed parks, proposed recreation areas
22 or sensitive areas.

23 Q. I am sorry, Mr. Monzon, where are you
24 reading from on that page?

25 A. Page 15, left-hand side, the

1 paragraph subtitled (b).

2 So I guess in response I would suggest
3 that there has not been less emphasis and, if anything,
4 there has been an increased emphasis.

5 Q. Can I ask you to provide to the Board
6 a copy of the separate circular referred to on page 13?

7 You have to say yes.

8 A. I am sorry, the nod was yes. Yes, we
9 will.

10 Q. Thank you. So your testimony is that
11 the Board should conclude that Exhibit 10 places at
12 least as much, if not greater, emphasis on sensitive
13 areas notwithstanding the issue is no longer mentioned
14 in the Table of Contents or in the Appendix and is only
15 buried in the middle of the document; is that correct?

16 A. Yes, that would be correct.

17 I guess I would make the point that the
18 fact of whether or not the item is specifically
19 identified in the contents page is not an indication of
20 its importance and degree of intensity that it is
21 treated with in the document.

22 Q. Mr. Monzon, could you confirm for me
23 that in Exhibit 10 you have chosen to de-emphasize the
24 issue of environmental standards in comparison to its
25 treatment in Document 5 of Exhibit 6?

1 A. It was certainly not the intention to
2 de-emphasize environmental standards in the document.

3 Q. Let me refer you to page 75 of
4 Document 5 in Exhibit 6 -- yes, page 75. The heading
5 at the top of the page -- I am sorry, Mr. Monzon, do
6 you have the page?

7 A. Yes, I do.

8 Q. The heading at top of the page is
9 called Environment and contains a segment that raises
10 the issue of:

11 "What minimum standards of environmental
12 quality should be considered a basic
13 human right."

14 And then it provides a list of five
15 items; one of which is sensitive areas.

16 Can you confirm for me, Mr. Monzon,
17 that -- sorry, can you confirm that Exhibit 10 has no
18 comparable section heading list or statement on
19 environmental quality?

20 A. Yes, I would agree with that, that
21 there is no comparable section within Document 10.

22 Q. Thank you. And would you agree this
23 suggests the de-emphasis in Exhibit 10 on environmental
24 quality in comparison to the issues treatment in the
25 earlier Document 5?

1 A. I would not agree that it suggests a
2 de-emphasis. As I indicated for the -- in the
3 discussion of sensitive areas, it is rather a
4 re-ordering and structure of the document and it is not
5 necessarily valid just because a section, or in this
6 case, some ten lines or less are not reproduced
7 specifically from one document to the next, it is not
8 valid to make the assumption that there is a
9 de-emphasis.

10 Q. Well, where in Exhibit 10 does that
11 document raise the issue of environmental quality
12 standards as a basic human right?

13 A. Well, you would have to give me a
14 moment to scan the document again.

15 MR. CASTRILLI: Mr. Chairman, perhaps
16 what I can do is move on to another topic and then when
17 Mr. Monzon finds what he is looking for he can respond
18 to the question.

19 MR. FREIDIN: And perhaps if Mr.
20 Castrilli has another question which is going to lead
21 to the same sort of situation, maybe he could ask all
22 those questions now so Mr. Monzon could look through
23 the document once.

24 MR. CASTRILLI: That was my next
25 question.

1 Q. Could you confirm for me, Mr. Monzon,
2 that in Exhibit 10 you have chosen to de-emphasize the
3 identification and collection of information on key
4 people and groups, including ethnic groups, in
5 comparison to Document 5 in Exhibit 6?

6 Perhaps I could refer you to page 65 of
7 Exhibit 6. You will see there -- sorry, do you have
8 the page?

9 A. Yes, I do.

10 Q. You will see there, Mr. Monzon, under
11 the heading of People--

12 A. Yes.

13 Q. --within a chapter called Data
14 Collection and Analysis in Document 5, you state that:

15 >Data for people must be collected and
16 analyzed under the following headings..."

17 And then there are five headings listed:

18 -Brief history of settlement and
19 development;

20 -Number;

21 -Distribution and selected socio-economic
22 characteristics;

23 -Population projections to the year
24 2,000;

25 -Ethnic groups such as indians; and,

1 -A list of key people and groups.

2 Do you see that there on page 65?

3 A. Yes, I do.

4 Q. And can you confirm for me that the
5 requirement to collect and analyze data on ethnic
6 groups and key people no longer exists in Exhibit 10?

7 I refer you to page 11 of Exhibit 10 if
8 you would like.

9 A. Certainly, the heading is there.
10 There is not a specific reference to the ethnic groups,
11 although--

12 Q. I am sorry.

13 A. --although I believe if you look at
14 either the Regional Land Use Plans or the District Land
15 Use Guidelines you will find evidence that in terms of
16 the local and traditional users' policy that the,
17 particularly the native people, are referenced and
18 acknowledged in those sections of the document.

19 Q. I am sorry. I don't recall now
20 whether - it has been so long - I don't recall now
21 whether I asked you at the outset what your
22 responsibility was for Exhibit 10.

23 A. I don't believe you did.

24 Q. Can you advise the Board what your
25 responsibility for Exhibit 10 was?

1 Were you involved in its preparation or
2 did you oversee its preparation?

3 A. No, I didn't oversee its preparation.
4 I would have been the land use planning co-ordinator at
5 northern Ontario at the time, so I would have been
6 involved in the review of it.

7 Q. Mr. Douglas, were you involved in
8 this document?

9 MR. DOUGLAS: A. No, I wasn't.

10 Q. Perhaps I can return you then, Mr.
11 Monzon, to a comparison of page 65 of Exhibit 10 with
12 page 11 -- excuse me, I am confusing the numbers.

13 A comparison of page 65 of Exhibit 6 with
14 page 11 of Exhibit 10. The sub-heading under the
15 heading of People says that.

16 "Data for people --"

17 This is on page 65:

18 "Data for people must be collected and
19 analyzed under the following headings..."
20 and it lists the five I have just
21 indicated.

22 If you look at Exhibit 10 page 11 under
23 the heading People, do you see any reference to the
24 data that must be collected?

25 A. No, there is no specific statement.

1 Under People it talks to a history of settlement and
2 development and it also talks to population.

3 Q. Right. Would you agree that those
4 two headings at page 11 correspond, more or less, to
5 heading -- items (a), (b) and (c) on page 65 of Exhibit
6 6?

7 A. Yes.

8 Q. Thank you. So you would agree with
9 me that items (d) and (e) at page 65 did not exist in
10 the 1980 guidelines; is that correct, at page 11?

11 A. The issue -- the aspect of key people
12 exists as an appendix -- exists in the appendix that
13 appears in Appendix 7 to the document. There is no
14 reference to specific ethnic groups.

15 I can't -- given that I am under oath,
16 Mr. Chairman, I can't indicate specifically why I think
17 there was an omission.

18 My sense is that that was not reproduced
19 in this document because of difficulties with respect
20 to whether or not all ethnic groups would be identified
21 in the preparation of a particular plan or guideline
22 and the consequences of inadvertently missing or
23 overlooking one of those groups.

24 Q. Well, Mr. Monzon, you just testified
25 that notwithstanding the lack of reference in Exhibit

1 10, the various District Land Use Guidelines would have
2 been made reference.

3 Why would there be no problem in
4 referring to ethnic groups in the District Land Use
5 Guidelines if there be would be a problem in referring
6 to it in the overview document for the planning of all
7 those guidelines which is what Exhibit 10 is?

8 A. The Land Use Plan and Guidelines make
9 reference in the context of local and traditional users
10 and does not -- and makes the point in terms of those
11 local and traditional users having priority within the
12 planning area. It doesn't make reference to it in the
13 identification of the specific ethnic groups.

14 Q. We will move on to another topic.
15 I would like to suggest to you that Exhibit 10 also
16 emphasizes certain matters that were not in Document 5,
17 the earlier 1974 guidelines.

18 In particular, I would like to suggest to
19 you that the 1980 guidelines, being Exhibit 10, clearly
20 emphasizes that province-wide targets, such as those
21 for timber production, are to be assigned to each of
22 the regions and districts for the purposes set out in
23 these guidelines.

24 Would you agree with that, Mr. Monzon?

25 A. I would agree with that, there is

1 certainly more of an emphasis on the assignment of
2 targets in this document and, again, notwithstanding
3 the discussion that we had earlier relative to how
4 those targets are identified, starting with the
5 district level and moving up and back down.

6 Q. Mr. Monzon, I suggest to you that not
7 only is this emphasis in the 1980 guidelines, with
8 respect to targets, I would suggest to you that the
9 topic of targets did not exist in the 1974 guidelines.
10 Can you confirm that?

11 A. Well, it certainly doesn't appear in
12 the -- I am assuming it is not going to appear in the
13 Table of Contents.

14 Q. I am suggesting to you it doesn't
15 appear anywhere in the document. Can you confirm that?

16 A. I would take your word for it without
17 going through it in detail.

18 Q. Would you agree that this is a
19 difference between the 1974 and the 1980 guidelines?

20 A. I would suggest that it is a
21 substantial refinement of the planning methodology that
22 the Ministry was involved with between 1974 and 1980.

23 Q. Is it a difference?

24 A. Yes.

25 Q. Okay. Actually, I would like to test

1 this theory, if I could, through you.

2 At page 89 of Exhibit 6, you list the
3 approved District Land Use Guidelines for the Ministry
4 of Natural Resources, and under the Northwest Planning
5 Region you refer to Kenora District Land Use
6 Guidelines.

7 I understand, and have been advised, that
8 you would be asked questions about this document; is
9 that correct?

10 A. Yes. To be specific, I was advised
11 that you would ask for a copy of it.

12 MR. CASTRILLI: Mr. Chairman, I would
13 like to make this the next exhibit, courtesy of Mr.
14 Freidin's office and his associates. (Handed)

15 THE CHAIRMAN: Exhibit 22 will be the
16 Kenora District Land Use Guidelines, dated 1983.

17 ---EXHIBIT NO. 22: Kenora District Land Use
18 Guidelines, dated 1983.

19 MR. CASTRILLI: Q. Mr. Monzon, I presume
20 this is a document you are familiar with; is that
21 correct?

22 A. Yes. I did not write it though.

23 MR. CASTRILLI: Mr. Chairman, that was
24 Exhibit 21?

25 THE CHAIRMAN: 22.

1 MR. CASTRILLI: Q. Mr. Monzon, could I
2 ask you to turn to page 3 of Exhibit 22, the second
3 column, the second paragraph.

4 You will note there there is a
5 reference -- sorry, that Exhibit 22 refers to the Lake
6 of the Woods General Land Use Plan which encompasses
7 approximately two-thirds of Kenora District in which
8 the guideline states:

9 "The overall intent of which has been
10 retained in the Kenora District Land Use
11 Guidelines."

12 Do you see that paragraph?

13 A. Yes, sir.

14 Q. I understand that you have now had an
15 opportunity to familiarize yourself with that document
16 as well, or you have a copy of that document as well?

17 A. I have a copy of it.

18 Q. Is that correct?

19 A. Yes.

20 MR. CASTRALLI: Mr. Chairman, I would
21 like to make that the next exhibit. This, too, is
22 courtesy of Mr. Freidin's office.

23 THE CHAIRMAN: Exhibit 23 will be the
24 Lake of the Woods General Land Use Plan, dated November
25 1977..

1

2 ---EXHIBIT NO. 23: Lake of the Woods General Land Use
3 Plan, dated November 1977.

4

5 MR. FREIDIN: Would you happen to have an
6 extra one?

7

8 THE CHAIRMAN: You just supply them, you
9 are not entitled to them.

10

11 MR. FREIDIN: Turned out that I had the
12 copy of somebody's that had something marked on it.

13

14 MR. CASTRILLI: If it is some
15 consolation, Mr. Freidin, I just have a photocopy.

16

17 Q. First of all, Mr. Monzon, and now
18 that I have managed to, I think, organize the paper
19 correctly --

20

21 MR. MARTEL: Well, the page is wrong.
22 MR. CASTRILLI: Actually, I think I might
23 be losing the battle with the paper, but I am going to
24 try and push on.

25

26 Q. Could I ask you to, first of all,
27 confirm for me that the 1977 Lake of the Woods Land Use
28 Plan was produced under Document 5 in the 1974
29 Guidelines for Land Use Planning?

30

31 MR. MONZON: A. Yes, that would have
32 been correct.

33

34 Q. Your answer is "yes".

1 A. Yes.

2 Q. And can you confirm for me that the
3 Kenora District Land Use Guidelines was prepared
4 pursuant to Exhibit 10, the 1988 Guidelines for Land
5 Use Planning?

6 A. Yes.

7 Q. Thank you. Mr. Monzon, I would
8 suggest to you that a comparison of the Lake of the
9 Woods plan with the Kenora District Land Use
10 Guidelines -- I would suggest that the one produced
11 under the 1974 version of the guidelines and the other
12 produced under the 1980 version of the guidelines
13 reveals differences from one version of the guidelines
14 to the other and suggests approaches that result in
15 differences in the Lake of the Woods Plan and Kenora
16 District Land Use Guidelines as well.

17 Can you confirm that for me?

18 A. No.

19 Q. Would you agree with that general
20 proposition?

21 A. No, I wouldn't agree with that
22 general proposition.

23 Q. First of all --

24 A. But I would also indicate that I have
25 not made an exhaustive study recently of the comparison

1 between one document and the other.

2 Q. Fair enough. Let's look at some of
3 the things that might be compared reasonably in the
4 context of this hearing for the time being.

5 First of all, can you confirm for me that
6 the 1977 Lake of the Woods Plan was signed by both the
7 Ministers of Housing and Natural Resources?

8 A. That's right.

9 Q. And can you confirm for me that the
10 1983 Kenora District Land Use Guidelines were signed by
11 the regional director and the district manager of the
12 Ministry of Natural Resources only?

13 A. That's correct.

14 Q. Would you agree with me that the 1977
15 Lake of the Woods Plan, because it is signed by two
16 ministers, carries greater weight or influence than the
17 Kenora District Land Use Guidelines because they are
18 only signed by two MNR managers?

19 Is that a fair statement?

20 A. Well, certainly that would be the
21 perception. One has to recognize that the context in
22 which the Lake of the Woods General Land Use Plan was
23 prepared was much different than the context in which
24 the Kenora District Land Use Guidelines was prepared.

25 Q. I think I agree with you. Let me

1 suggest to you that the 1977 Lake of the Woods Plan was
2 a response to local issues, such as water quality,
3 recreation and forestry use. Would you confirm that?

4 A. My understanding is that the 1977
5 Lake of the Woods Plan was prepared in response to a
6 problem associated with development control of cottage
7 lots on Lake of the Woods.

8 Q. Would you turn to page 3 of Exhibit
9 23, it is the Lake of the Woods Plan.

10 You set out on that page, under the
11 heading of Need is a summary statement of the nature of
12 the problems in the Lake of the Woods area.

13 These are all issues specific to the
14 area, and the plan was designed to respond to these
15 issues; was it not?

16 A. Yes, that's correct.

17 Q. And, indeed, I think this emphasis is
18 even reflected in the Kenora District Land Use
19 Guidelines when it speaks of the Lake of the Woods Plan
20 at page 3 of Exhibit 22 when it says:

21 "Kenora District Land Use Guidelines were
22 prepared in response to uncontrolled
23 development pressures in that area."

24 Would you agree?

25 A. Yes, that's correct. I think you

1 have to look at page 5, though, of the Kenora District
2 Land Use Plan to put the thing in the total context.

3 Under Opportunity, it indicates that in
4 1971 there were new health guidelines that came into
5 effect with regulating the development of both
6 permanent and seasonal dwellings across the province,
7 so that provided the -- well, when those regulations
8 came in, it goes on to say in the second sentence:

9 "...in the Lakes of the Woods area many
10 of the proposed subdivision lots could
11 not meet these stricter standards."

12 That event focused the attention for an
13 entire development policy for all lakes in Ontario and
14 for Lakes of the Woods it provided an opportunity to
15 temporarily discontinue development of cottaging on
16 Crown land until a thorough assessment of capability of
17 resources could take place.

18 Q. Would you agree that this plan was
19 developed in response to a local problem?

20 A. There were a number of local issues,
21 yes, but -- yes. Part of that local issue stemmed from
22 the new health guidelines which came into effect.

23 Q. Would you say the principle thrust of
24 the plan was to deal with the local issue or local
25 issues?

1 A. Yes.

2 Q. Thank you. Now, Mr. Monzon, perhaps
3 I could ask you generally with respect to the District
4 Land Use Guidelines, what they were in fact prepared in
5 response to?

6 Isn't it true that they were prepared in
7 response to provincial priorities and not local ones?

8 A. I don't understand what you mean by
9 that.

10 Q. Isn't it true that the driving force
11 behind the District Land Use Guidelines, not only for
12 Kenora, but let's focus just on Kenora, was in fact the
13 Northwest Strategic Land Use Plan and the provincial
14 priorities and targets expressed in that document?

15 A. The creation of the District Land Use
16 Guidelines for Kenora and the other districts in
17 northern Ontario was the next step in the planning
18 process that the Ministry had embarked on.

19 Q. Could I ask you to refer to page 2 --
20 pages 2 and 3 of Exhibit 22, the Kenora Guideline.

21 Isn't it the case on those two pages that
22 the Kenora Distract Land Use Guidelines' chief
23 connection is with the Northwest Strategic Land Use
24 Plan and the localization of provincial targets.

25 Isn't that the thrust of the terms of

1 reference on those two pages?

2 A. I don't think -- I wouldn't
3 characterize it as the thrust of the terms of
4 reference.

5 Certainly, there is a linkage between the
6 Land Use Guidelines and the Northwestern Ontario
7 Strategic Land Use Plan, but on page 2 it clearly
8 states that the guidelines will identify appropriate
9 land and water uses -- excuse me, it will identify
10 appropriate land and water areas where various Ministry
11 programs will be carried out over a long term to the
12 year 2000.

13 Q. Mr. Monzon, isn't it true that in
14 every single one of the documents listed at page 89,
15 which are the list of the District Land Use Guidelines,
16 one can find a set of terms of reference that are
17 written in almost the same terms, always with reference
18 to whatever particular Strategic Land Use Plan is
19 applicable to the area.

20 Where would we find that in the Lake of
21 the Woods Plan?

22 A. You wouldn't find that in Lake of the
23 Woods Plan because the Strategic Land Use Plan for the
24 northwest was not in place. And, as I indicated,
25 preparation of the Land Use Guideline was the next step

1 in that planning process that the Ministry embarked
2 upon around 1974, I believe. I stand to be corrected
3 on the dates.

4 I believe I described in earlier evidence
5 the problems that we were having with the creation of
6 local land use plans across the province and the Kenora
7 District -- the Lake of the Woods General Land Use Plan
8 is another example of that type, albeit it was very
9 well done and very professional and deals with the
10 issues very well, it nonetheless deals with those
11 issues in the absence of a larger context.

12 Q. I think we are saying the same thing.

13 THE CHAIRMAN: Mr. Castrilli, just going
14 back for one minute to something that was said earlier.

15 Why do you say -- why do you reach the
16 interpretation that the Lake of the Woods Land Use Plan
17 is in response only to local issues in view of the
18 statement referred to by Mr. Monzon, that it focused
19 attention on the entire development policy for all
20 lakes in Ontario, and the next statement said that, of
21 which the Lake of the Woods was one such area, and that
22 the formulation of this plan provided an opportunity to
23 discontinue the development of cottaging on Crown
24 lands - and I take that to mean all Crown lands - until
25 a thorough assessment of the capability of such

1 resource could take place.

2 Why would this not be just as easily
3 characterized as being focused on the overall
4 development policy with respect to lakes in Ontario?

5 MR. CASTRILLI: Mr. Chairman, sorry, is
6 that a question to me or to the witness?

7 I think it will become clear as I go
8 through the remainder of my cross-examination on this
9 point.

10 THE CHAIRMAN: Perhaps, Mr. Monzon, you
11 could answer that.

12 Was that plan just in response to the
13 local issue arising from the Lake of the Woods
14 cottaging problem, or was this meant, to your
15 knowledge, to deal with the development problems with
16 respect to all lakes, and in doing so, discontinue
17 development of cottaging on Crown lands until a
18 thorough assessment could take place at some future
19 date?

20 MR. MONZON: Mr. Chairman, my
21 recollection of this one - and understand that I was
22 not there at the time - it was the health guidelines
23 that were the trigger if you want to make this happen.

24 There were -- Lake of the Woods, as you
25 are probably well aware, is a very highly prized and

1 highly intensive tourism area and the lake is very
2 widely sought after relative for cottaging and tourism
3 opportunities.

4 My understanding is that there were a
5 number of subdivisions on the lake, there were serious
6 concerns, as Mr. Castrilli points out, relative to some
7 of those subdivisions because of water quality and the
8 lack of appropriate soil being in place for sewer
9 systems, that sort of thing. I am not an expert in
10 these matters.

11 THE CHAIRMAN: But this was occurring
12 elsewhere in the province?

13 MR. MONZON: This was also occurring
14 elsewhere. The Lake of the Woods, there so much
15 pressure though in terms of development that this was
16 the opportunity to stop development and to have a look
17 at things in a broader sense and while that was being
18 done relative to -- while the examination was being
19 undertaken relative to cottaging and tourism
20 opportunities, there was also an opportunity to deal
21 with the remainder of the issues, such as forestry,
22 commercial fishery, and what have you.

23 THE CHAIRMAN: Thank you.

24 MR. CASTRILLI: Perhaps the point I am
25 getting to will become clearer as I proceed, Mr.

1 Chairman.

2 Q. Mr. Monzon, just so that we confirm
3 where we are, you have indicated the Lake of the Woods
4 Terms of Reference contain no reference to the
5 Northwest Strategic Land Use Plan or to the achievement
6 of any provincial targets; is that correct?

7 MR. MONZON: A. That is correct.

8 Q. Would you agree with me that the Lake
9 of the Woods Plan also proposed a core area centered on
10 the Aulneau Peninsula and it was of a wilderness
11 character and was to be surrounded by zones of
12 progressively more intensive tourism, recreation and
13 resource development and with, in particular,
14 extractive and forestry activities to be located away
15 from the lakes' shores?

16 A. Yes, I believe that's right.

17 Q. Let me refer you to page 84 through
18 to 86 of Exhibit 23, the Lake of the Woods Plan --
19 sorry, do you have those pages?

20 A. Yes, do I.

21 Q. Would you agree that on these two --
22 on these three pages we have three area designations:
23 a natural zone, a general development zone, and a
24 resource extraction zone?

25 A. Yes, that's correct.

1 Q. Firstly, with respect to the natural
2 zone, it is the area that, if we look at the map on
3 page 84, is to provide a remote character essential to
4 the appeal of the area, to use the terminology on page
5 85?

6 A. Yes.

7 Q. And you will see that that's area
8 zoned No. 1 and centres on the Aulneau Peninsula?

9 A. That's correct.

10 Q. And would you also agree that we then
11 have a Zone 2 which surrounds Zone 1 in which more
12 intensive use is permitted and it is centred further
13 away from the central portion of the peninsula and the
14 lake -- sorry, it is called the general development
15 zone?

16 A. Yes, that's correct.

17 Q. And, thirdly, we have numbered No. 3
18 the resource extraction zone which is furthest away
19 still from the water and where logging, for example,
20 could occur.

21 So we have basically three concentric
22 circles?

23 A. Yes.

24 Q. Mr. Monzon, can you confirm for me
25 that the 1983 Kenora District Land Use Guidelines

1 dealing with essentially the same area no longer has the
2 three-tiered land use core area zone approach that we
3 find at pages 84 and 86 of Exhibit 23?

4 A. Yes, that's correct.

5 Q. Mr. Monzon, just generally, I am
6 wondering if you would agree with me that if the
7 Ministry of Natural Resources had translated the 1977
8 plan into action, this area that we have been talking
9 about would have been an ideal place for a wilderness
10 provincial park centred on the Aulneau Peninsula, given
11 the characterization of the natural zone?

12 A. That is the -- the Aulneau Peninsula
13 has a number of characteristics from it which make it
14 an area to be considered for wilderness and, in fact,
15 was an area that was considered for a wilderness -- as
16 a wilderness park proposal back in '81, I believe, and
17 subsequently the planning process was carried through
18 to a conclusion, I believe, in 1982.

19 I guess I stand corrected on the '81
20 date.

21 The identification of the Aulneau as a
22 candidate for wilderness would have been some time
23 before that.

24 Q. Thank you. I presume that you are
25 aware of that because of your involvement in the

1 provincial parks planning system report?

2 A. Yes.

3 Q. Of which you were Chairman; is that
4 right?

5 A. Yes.

6 Q. And as you have indicated for the
7 record, the Aulneau Peninsula was at one time a
8 candidate wilderness provincial park; is that correct?

9 A. Yes, it was a wilderness candidate.

10 Q. Can you confirm for me that in fact
11 the Aulneau Peninsula was not provincial park status in
12 the Kenora District Land Use Guidelines of 1983?

13 A. That is correct.

14 Q. And you can actually see that by
15 referring to page 27 of Exhibit 22 under the heading
16 Table 3, Candidate Park Recommendations. Sorry, do you
17 have the page?

18 A. Yes, I do.

19 Q. You see there there are three
20 candidate parks -- excuse me, two candidate wilderness
21 parks, the Aulneau with 7,800 hectares is listed in the
22 centre, and then we have on the right-hand side of the
23 chart the recommendation, and the recommendation
24 indicates that it was dropped from further
25 consideration; is that correct?

1 A. That is correct.

2 Q. Sorry, Mr. Monzon, for the record you
3 said....?

4 A. I am sorry. Yes, that is correct.

5 Q. Thank you. Mr. Monzon, just to
6 summarize on this: I suggest to you that when one
7 looks at the more recent Kenora District Land Use
8 Guidelines which, as you have indicated in your
9 evidence, were developed under the 1980 Guidelines for
10 Land Use Planning, which were driven by the provincial
11 policies and targets of the Northwestern Strategic Land
12 Use Plan, that gone are such things as the protected
13 central core and gone are such things as local concerns
14 about such matters as water quality, and in their place
15 are the preoccupation with the targets for various
16 Ministry of Natural Resources Programs; would you agree
17 with that?

18 A. Well, I think, first of all, if you
19 look at the Lake of the Woods General Land Use Plan and
20 look at Zone 1, which is, as you have indicated the
21 natural zone, if one refers to the body of the Lake of
22 the Woods Plan - particularly the description on area
23 21 on page 133 - one of the development guidelines on
24 that page indicates that the logging activities will be
25 strictly controlled.

1 I make that point so as not to -- so the
2 Board is clear that at the time of the development of
3 the plan there was, in fact, logging activity going on
4 in the Aulneau Peninsula. It was not a major licence
5 area, but there was in fact logging activity, and the
6 plan took note of that and recognized that it could
7 continue, but the activities would have to be strictly
8 controlled.

9 In the Kenora Land Use Guideline
10 Document, which is I believe 23 -- is that...?

11 THE CHAIRMAN: 22, I think.

12 MR. MONZON: Sorry, Mr. Chairman.

13 Under the area description on page 65 and
14 Land Use Intent on page 65 -- I quote from the Land Use
15 Intent:

16 "This area is to be designated to as a
17 special wildlife management area. All
18 activities will be conducted so as to
19 maintain and enhance habitat and maximize
20 primitive hunting and brooding
21 opportunities. In addition, the
22 wilderness character of the centre core
23 of the peninsula will be maintained..."
24 And it goes on from there.

25 I would just to finish, Mr. Castrilli,

1 just to indicate that I think our contention would be,
2 and certainly my contention would be, that the thrust
3 and the intent relative to land use in the Aulneau
4 Peninsula is similar in both situations.

5 Q. Sorry, were you through?

6 A. Yes.

7 Q. Can you confirm for me that a
8 wildlife management area would not provide the kind of
9 protection for wilderness that a wilderness provincial
10 park would?

11 A. I cannot confirm that. Any amount of
12 protection that is given an area will depend on the
13 amount of protection or guidelines that are put in
14 place to maintain the quality and the values within
15 that area.

16 Simply by calling it an area provincial
17 park or a fisheries management area or a wildlife
18 management area or sensitive area will not, by itself,
19 achieve an objective.

20 It will be the practices on the ground
21 that will have to be undertaken or not undertaken that
22 will be the measure of the degree to which the intent
23 of the undertaking happens.

24 Q. So your testimony is status under the
25 Provincial Parks Act would not give that area a better

1 protection and status as a simple wildlife management
2 area under whatever particular guideline the Ministry
3 of Natural Resources might have for that particular
4 topic?

5 A. My testimony would be that the values
6 in the Aulneau Peninsula could be -- can be maintained
7 through the various guidelines that can be put in place
8 to protect it as a special wildlife management area,
9 that there are activities that can be undertaken to
10 protect the values on the Aulneau without giving it
11 provincial park status.

12 Q. But would you agree with me that
13 there were those in the Aulneau Peninsula area who
14 wanted candidate wilderness status for that area for a
15 provincial park because that's what they believed would
16 provide it with the best protection to remain that way
17 in future, or do you know?

18 A. My understanding is that, yes, there
19 was a body of opinion that held that view, and my
20 further understanding is that in the preparation of the
21 General Land Use Plan for Lake of the Woods, that the
22 people that were concerned with the planning met with
23 those people, met with those groups, described to them
24 how the plan as set out here can meet their concerns
25 and protect the values and that satisfaction was

1 achieved.

2 Q. Who are the people you are referring
3 to who you now say were satisfied?

4 A. The people -- I have to back up
5 because I can't name the specific individuals that were
6 involved with that, nor can I name you a specific
7 committee or group.

8 I know there was a body of opinion but,
9 as I say, I was not directly involved with that, but I
10 know that process took place.

11 Q. Can you confirm for me that the
12 Federation of Ontario Naturalists did not support the
13 position you just put forward and that they wanted that
14 area as a candidate wilderness park?

15 A. I believe that's a fair statement,
16 yes.

17 Q. Can you also confirm for me that the
18 Sierra Club of Ontario wanted that area as a candidate
19 wilderness provincial park?

20 A. I believe that's correct.

21 Q. Who else are my clients? Actually, I
22 should not have said that on the record.

23 Would you agree with me, Mr. Monzon, that
24 my clients, all of whom were involved in that dispute,
25 all wanted that area to be a provincial park of

1 wildnerness status?

2 A. It all seriousness, I accept the
3 first two. I am not sure of the remainder.

4 Q. I can take a moment and look through
5 the list, but...

6 MR. FREIDIN: I am sure Mr. Monzon would
7 have difficulty until you find it.

8 MR. CASTRILLI: Q. So, Mr. Monzon, you
9 would agree there was a substantial body of opinion in
10 the province, made up of people who were involved in
11 natural area issues, who wanted the Aulneau to be a
12 wilderness provincial park; is that correct?

13 MR. MONZON: A. I would agree there was
14 a body of opinion. I might have some discussion on
15 your use of the substantial.

16 THE CHAIRMAN: Mr. Freidin?

17 MR. FREIDIN: I don't know how it can to
18 help this Board to -- how long this question is going
19 to go on, to litigate or look into the merits of
20 whether or not a decision made some time ago as to
21 whether an area would be a provincial park was a good
22 one, a bad one, acceptable to everybody or acceptable
23 to none.

24 That's something which happened at that
25 time. I don't see the relevance to these proceedings.

1 THE CHAIRMAN: Mr. Castrilli, I think Mr.
2 Freidin has a point to some extent. It is an
3 historical event that occurred at the time decisions
4 were made and taken, and the record shows that it was
5 not designated a wildlife area.

6 MR. CASTRILLI: That's fine, Mr.
7 Chairman. Actually I finished by question on that
8 point.

9 Q. Mr. Monzon, could I ask you
10 generally, I understand from your testimony that the
11 Ministry of Natural Resources Corporate Planning System
12 includes five sub-systems: Policy Planning, Land Use
13 Planning, Resource Management Planning, Work/Program
14 Planning, and Work/Program Evaluation?

15 MR. MONZON: A. Yes, that's correct.

16 Q. Would you agree that Policy
17 Planning - which I understand answers the question of
18 what is to be achieved and why - is the first component
19 in the Ministry of Natural Resources' planning system
20 and puts in place a policy framework for land use
21 planning and for the other planning sub-systems I have
22 just referred to?

23 A. Yes, I believe that's correct.

24 Q. Would you agree that although the
25 land use planning process provides modification of

1 policy through analysis, testing and perhaps public
2 input, that the extent to which these can affect
3 changes in fundamental policy thrust is open to serious
4 question?

5 A. I will have trouble with the latter
6 part, being open to serious question.

7 Q. Wasn't that the conclusion of
8 Commissioner Fahlgren?

9 A. That may have been. I'd have to
10 refer to his report.

11 Q. Have you brought it with you?

12 A. I have pieces of it.

13 Q. Do you have Chapter 8?

14 A. Yes, I do.

15 MR. CASTRILLI: Mr. Chairman, I would
16 like to make this the next exhibit.

17 THE CHAIRMAN: I am not sure all of us
18 could pick up the whole thing.

19 Exhibit 24 -- I am sorry, 25 -- no, 24
20 will be an excerpt from the final report and
21 recommendations of the Royal Commission on the Northern
22 Environment known as the Fahlgren Report commencing
23 with Chapter 8 and continuing for some 27 pages of this
24 excerpt.

25

1 ---EXHIBIT NO. 24: Excerpt from the final report and
2 recommendations of the Royal
3 Commission on the Northern
4 Environment known as the Fahlgren
 Report, commencing with Chapter 8
 and continuing for 27 pages.

5 MR. CASTRILLI: Q. Mr. Monzon, page 8-4
6 in Exhibit 24.

7 MR. MONZON: A. Yes.

8 Q. The third full paragraph, the last
9 sentence, Commissioner Fahlgren writes:

10 "Although the land use planning process
11 provides for modification of policy
12 through analysis, testing and perhaps
13 public input, the extent to which these
14 can affect changes in fundamental policy
15 thrust remains open to serious question."

16 When I asked you that question a moment
17 ago you said you would have difficulty accepting that
18 latter part?

19 A. The fact that it remains open to
20 serious question. I recognize Mr. Fahlgren has said
21 that. What I am saying is, I am not sure I would agree
22 with that.

23 Q. In what respects would you disagree?

24 A. I am not sure what is meant by
25 "serious question".

1 Q. Perhaps it would be --

2 A. And the extent to which changes can
3 be affected.

4 Q. Perhaps it will become clear as we
5 move along.

6 Would you also agree that the various
7 planning principles which are expressed in Exhibit 10,
8 the Guidelines for Land Use Planning, contain the seeds
9 of some fundamental defects in planning for the needs
10 of the north?

11 A. Is Mr. Fahlgren saying that?

12 Q. What is your position on the
13 question?

14 A. I am sorry, could you repeat the
15 question, please?

16 Q. Would you agree that the various
17 planning principles in Exhibit 10 contain the seeds for
18 some fundamental defects in planning for the needs of
19 the north, your Exhibit 10 -- yes, your Exhibit 10 is
20 what I am referring to.

21 A. I think the argument is more around
22 one of process and the degree to which the principles
23 within Exhibit 10 were carried out as opposed to
24 whether or not they were applicable or not.

25 But I recognize what the Commissioner has

1 said.

2 Q. So you recognize that that too was a
3 conclusion of Commissioner Fahlgren speaking on the
4 very Land Use Guidelines you filed before this Board;
5 is that correct?

6 A. That is correct.

7 Q. And his position is that there are
8 some fundamental defects exhibited in these guidelines
9 with respect to planning for the north; is that right?

10 A. I am sorry, my position?

11 Q. His position.

12 A. I believe that's his position.

13 Q. You agree or disagree with that
14 position?

15 A. I do not totally agree with that
16 position.

17 Q. What part of it do you not totally
18 agree with?

19 A. I am sorry, if you could repeat it
20 again, it is the last part which deals with
21 fundamental...

22 Q. Fundamental defects in planning for
23 the needs of the north.

24 A. I am not sure about the fundamental
25 defects. As I say, it may be an extent to which the

1 process was carried out as opposed to whether the
2 principles themselves are fundamental defects in
3 planning.

4 Q. Commissioner Fahlgren's comments were
5 with respect to the nine planning principles which
6 appear in these guidelines from Exhibit 10, which
7 appear actually at pages 6 and 7 of Exhibit 10, those
8 are the planning principles that Commissioner Fahlgren
9 is speaking about.

10 A. Can I just have a moment. I am
11 losing the paper war here too.

12 Q. I can understand that.

13 A. Sorry, Exhibit 10, page...?

14 Q. Exhibit 10, Pages 6 and 7.

15 A. Okay, I am sorry. I am with you now.

16 Q. Now, those are the nine planning
17 principles that existed in the 1980 guidelines and
18 which, I understand, the District Land Use Guidelines
19 were all supposed to adhere to in terms of how they
20 developed; is that correct?

21 A. That is correct.

22 Q. And it is those nine planning
23 principles that Commissioner Fahlgren says "contain the
24 seeds of some fundamental defects in planning for the
25 needs of the north."

1 Now, what is your position with respect
2 to that conclusion?

3 A. I am saying I don't think the
4 planning principles themselves are fundamentally
5 defective.

6 I am saying there may be a way in which
7 those principles were applied or perception in terms of
8 the way they were applied that led to some problems.

9 But from a stand point of principles, I
10 believe they are fundamentally correct and
11 fundamentally sound.

12 Q. So you and Commissioner Fahlgren are
13 directly opposed in interest with respect to that
14 conclusion; is that right?

15 A. We have a disagreement on that one.

16 Q. Thank you. Would you agree that a
17 fundamental concern with still these Land Use
18 Guidelines from 1980 was that they established planning
19 as a top-down process expressing provincial policies at
20 the district level rather than any authentic local
21 perspective on how development ought to take place.

22 What's your position on that question?

23 A. Sorry, could you repeat it again?

24 Q. The fundamental concern with Exhibit
25 10, your Guidelines for Land Use Planning of 1980, is

1 that they exhibit planning as a top-down process
2 expressing provincial policies at the district level
3 rather than any authentic local perspective on how
4 development ought to take place.

5 Do you have any thoughts on that
6 proposition?

7 A. I don't agree with the proposition
8 because the proposition fails to recognize the degree
9 to which there is local data and analysis is used at
10 the initiation of a land use planning exercise in terms
11 of the compilation of data and evaluation of inventory,
12 how that information moves up and then back down
13 through the system.

14 I also don't believe there is a
15 recognition of the impact that people, and particularly
16 local residents of an area, can have in a planning
17 process.

18 Q. So you say that that position has got
19 it all wrong; is that right?

20 A. Let's just say that we have a
21 disagreement.

22 Q. And you recognize that conclusion as
23 a further conclusion of Commissioner Fahlgren's?

24 A. Yes, do I.

25 MR. CASTRILLI: Mr. Chairman, for the

1 record, that's contained at page 8-5, paragraph 3.

2 Q. Mr. Monzon, you would agree that this
3 conclusion of Commissioner Fahlgren's is contrary to
4 yours regarding how targets get set as well; isn't it?

5 A. That is correct.

6 Q. So Commissioner Fahlgren has got it
7 wrong and Dean Baskerville has got it wrong; is that
8 correct?

9 A. We disagree.

10 Q. They disagree with you?

11 A. That is one way to put it.

12 Q. Thank you. Now, would you also agree
13 that the Land Use Planning Guidelines for 1980
14 stipulate that policies are to be translated into
15 explicit quantitative targets for using natural
16 resources?

17 A. Yes, I believe that is the intent. I
18 am not sure where you are quoting, but I believe that
19 is the intent.

20 Q. It is on the same page.

21 MR. FREIDIN: Perhaps you could point it
22 out to him.

23 MR. CASTRILLI: Q. Paragraph 3, third
24 sentence.

25 A. Paragraph 3?

1 Q. Paragraph 3.

2 A. Third sentence. Oh yes, okay.

3 Sorry.

4 Q. We will be getting to this in a
5 moment, but do you agree that - we will be getting to
6 this when we discuss the District Land Use Guidelines I
7 should say - that those who have examined the targets
8 stated in the District Land Use Guidelines have
9 concluded that they reveal a resource development bias
10 that pervades the planning initiated by Document 29,
11 also known as Exhibit 10?

12 A. There is certainly a perception and
13 has been a perception, if that is the case.

14 Q. And that perception is shared by
15 Commissioner Fahlgren; is it not?

16 A. Yes, it is.

17 Q. And he had an opportunity to examine
18 them in fair detail; did he not?

19 A. Yes, he certainly had the
20 opportunity. The extent to which he -- I am not privy
21 as to how he went about his analysis.

22 Q. Are you saying he didn't do his job?

23 A. No, I am not saying that at all. I
24 am just saying I am not privy to how he went about his
25 analysis.

1 Q. Mr. Monzon, I was wondering if I
2 could also ask you whether is it true that the planning
3 principles -- those nine planning principles we spoke
4 of earlier in Exhibit 10, call on the planning in the
5 Ministry of Natural Resources' districts to generate
6 options and to evaluate the associated tradeoffs and
7 consequences while asserting that the economically,
8 most efficient option would normally be the one
9 preferred?

10 A. Certainly the guidelines reference
11 that they have to be -- the plans have to be evaluated
12 on efficiency and if options are considered, the one
13 that does it -- the one that meets all the objectives
14 at the lowest cost would be the best plan.

15 Q. Doesn't Exhibit 10 and the District
16 Land Use Guidelines - well, they note that:

17 "...planning should take account of the
18 limited capacity of the natural
19 environment to sustain use, pressed for
20 the setting of production targets for
21 many biological communities like trees at
22 levels approaching capacity"?

23 A. I am sorry, I believe I agree with
24 you, I am just not sure where you are here.

25 Q. I am on the same paragraph. That was

1 a conclusion of Commissioner Fahlgren; wasn't it?

2 A. Oh, I am sorry, they are Mr.
3 Fahlgren's conclusions. The most economically, most
4 efficient options would normally be the one preferred.
5 I am sorry, was that the sentence you read?

6 Q. That and the next one.

7 A. All right. I am sorry, I have the
8 point and the question is...?

9 Q. That is Commissioner's Fahlgren's
10 position; isn't it?

11 A. Yes, it is.

12 Q. And do you agree with that position?

13 A. No.

14 Q. So Commissioner Fahlgren has got it
15 wrong again; is that your testimony?

16 A. I don't believe that in every
17 instance the most economically, efficient option was
18 the one that was taken.

19 In some instances - and I would be hard
20 pressed to provide you a specific example other than
21 generally with the parks exercise - but across the
22 province, I think the parks exercise would indicate --
23 the results of that park planning exercise would
24 indicate that a number of provincial parks were chosen
25 as candidates which, if one wanted to look at the

1 economics of the issue - and I would focus them on
2 specifically the timber issue - the more economic route
3 would be not to have recommended the park for status.

4 I also don't necessarily agree that in
5 every instance that production targets for biological
6 communities were being set at levels approaching
7 capacity.

8 Q. But that is Commissioner Fahlgren's
9 conclusion based on his multi-year review; is that not
10 correct?

11 A. That is his conclusion.

12 Q. Thank you. Can you also confirm for
13 me, Mr. Monzon, that the achievement of the targets
14 urged by Exhibit 10 clearly place renewable resources
15 in the north under considerable stress?

16 A. I believe that is Mr. Fahlgren's
17 view.

18 Q. Do you agree with it?

19 A. I am not sure what he means by
20 considerable stress.

21 Q. Do you agree with the principle that
22 it would place renewable resources under stress in the
23 north?

24 A. I don't believe that the land use
25 planning exercise and the identification of -- by the

1 parks candidates or the various targets that came out
2 of the planning exercise placed undue stress on any of
3 the biological communities across the north.

4 My sense is -- my understanding is that
5 all of the targets that were identified were within the
6 productive capacity levels, if I can use that term.

7 Q. Mr. Monzon, when Commissioner
8 Fahlgren is saying in that paragraph:

9 "The production targets for many
10 biological commodities..."

11 He is talking about things like trees, and perhaps fur
12 bearing animals or a host of various things, he is not
13 talking about parks as a biological commodity; is he?

14 So I am not sure why you are answering my
15 question about biological commodities as if I was
16 asking the question about parks, I am not.

17 A. I am not sure what is meant by the --

18 MR. FREIDIN: Does it indicate in the
19 report that that is what Commissioner Fahlgren meant
20 when he talks about biological commodities?

21 MR. CASTRILLI: It will become clear as I
22 go on.

23 MR. MONZON: I believe I used other
24 examples other than the parks.

25 MR. CASTRILLI: Q. Like trees?

1 MR. MONZON: A. Yes.

2 Q. So would you agree or disagree that
3 if the word trees was there instead of biological
4 commodities that Commissioner Fahlgren has got it
5 right?

6 A. I suppose I don't have a problem with
7 the sentence per se, if one could define what is meant
8 by the term "approaching capacity."

9 I mean, without cutting too fine a point,
10 you can be within 50 per cent of a production target or
11 you can be within 2 per cent of a production target.
12 The 2 is a lot closer to approaching capacity than the
13 50 per cent.

14 Q. Mr. Monzon, can I ask you generally,
15 did the Ministry of National Resources have an
16 opportunity to appear before the Fahlgren Commission
17 and make its position known, or perhaps did you have an
18 opportunity to appear before that Commission and make
19 your position known?

20 A. Certainly the Minister appeared.

21 Q. The Minister of Natural Resources?

22 A. Yes, the Minister of Natural
23 Resources.

24 Q. So that it is possible that the
25 Minister would have been able to put forward the

1 propositions you are putting forward; is that right?

2 Do you know whether the Ministry ever put
3 forward the propositions you are putting forward to me
4 now?

5 A. I can't recall at this point in time
6 all of the information and data that the Ministry
7 provided to Mr. Fahlgren and his Commission.
8 Certainly, it was voluminous.

9 Q. Certainly it was voluminous?

10 A. Voluminous, there was a lot it.

11 Q. So Commissioner Fahlgren would have
12 an opportunity to review many of the documents perhaps
13 that this Board has now before it as evidence, say, in
14 your panel; is that correct? Some of these documents
15 go back that far.

16 A. That is a possibility. As I say, I
17 can't be certain because I don't have a record of what
18 specific documents were provided to Mr. Fahlgreen.

19 Q. Well, we know that he had the
20 Guidelines for Land Use Planning for 1980 because he
21 comments specifically about them; does he not?

22 A. That's correct.

23 Q. So he has reviewed it and his
24 commission has reviewed it, and he has undoubtedly had
25 the opportunity to hear submissions from the Ministry

1 of Natural Resources with respect to it and he doesn't
2 agree with you; is that correct?

3 A. That is what he is saying.

4 Q. Thank you. Now, Mr. Monzon, at pages
5 6 and 7 of Exhibit 10, the Guidelines for Land Use
6 Planning, it is where the nine planning principles are
7 set out, would you agree -- sorry, do you have that
8 page?

9 A. Yes, I do.

10 Q. Would you agree with me that there is
11 no principle stated there with respect to who the
12 primary beneficiaries of developments are to be as a
13 result of the planning urged by this document?

14 A. Well, there is no specific reference
15 in the planning principle.

16 Q. So you would agree with that
17 proposition?

18 A. I am sorry, would you restate it
19 again so I can hear the words?

20 Q. Sure. Would you agree that there is
21 no planning principle stated at pages 6 and 7 with
22 respect to who the primary beneficiaries of development
23 are to be as a result of the planning urged by Exhibit
24 10?

25 A. I would agree with that, other than

1 the fact that Principle 7, which indicates that the
2 public good must take precedence over the individual
3 good.

4 Q. Would you agree that Commissioner
5 Fahlgren would have all nine principles before him when
6 he made that conclusion?

7 A. Yes, I am sure he did.

8 Q. And you agree that -- and you are
9 aware that that is, in fact, his conclusion; isn't it?

10 A. Yes.

11 Q. And that too is in the same
12 paragraph, page 85, paragraph 3, the last sentence?

13 A. Yes, that is correct.

14 I think it is noteworthy to point out
15 though that in both the strategic planning documents
16 and within the local -- within the District Land Use
17 Guidelines, there is a specific reference at the
18 general policy level, I believe, to local and
19 traditional users, and the precedence that concerns and
20 needs of those people, that the precedence of those
21 needs and concerns should have in any planning process.

22 Q. I am sorry, you are referring to
23 Exhibit 10 or you are referring to some other document?

24 A. For example, the Northwestern Ontario
25 Strategic Land Use Plan, it talks about -- just give me

1 a moment to go through the paper here.

2 Q. I am sorry, Mr. Monzon, you're
3 answering a question I am asking about Exhibit 10 by
4 referring to another document?

5 A. Yes, I am trying to locate the
6 reference in the Strategic Land Use Plan to the public
7 interest, and there is a section on page 4 of that
8 document which talks specifically to that and I would
9 quote from that page under Public Interest:

10 "The Crown-owned resources of the
11 province belong to all the people of
12 Ontario and will be administered in the
13 best interests of the provincial
14 population as a whole, including the
15 special interests of the residents of the
16 area where the resources are located."

17 There is also a reference in that section
18 to the native people in the northwest as being amongst
19 those people having special interests.

20 Q. Let's just focus on Exhibit 10 which
21 is what my question is about. Do you agree with the
22 proposition I put forward to you at the outset?

23 A. I am sorry...

24 Q. That proposition was: There is no
25 principle stating who the primary beneficiaries of

1 development are to be as a result of the planning urged
2 by Exhibit 10?

3 A. I would agree that other than the
4 principle of No. 7, the public good must take
5 precedence over the individual good.

6 What I was trying to do in my paper
7 search is indicate that that principle is carried on in
8 the Strategic Land Use Plan at the regional level and
9 is even more focused at the district level and the
10 local and traditional users' policy, and that is
11 evidenced in the witness statement on page 105.

12 Q. We will get to those documents in a
13 moment.

14 Could you also confirm for me that the
15 extent to which the concern of local people are to be
16 taken into account is a matter only equivocally
17 addressed by Exhibit 10?

18 A. I am sorry, I would have -- could you
19 give me your definition for the word 'equivocally'?

20 I am not trying to cut a fine point, I
21 just want to make sure I understand.

22 Q. Well, do you recognize that as a
23 conclusion, a further conclusion of Commissioner
24 Fahlgren?

25 A. I believe...

1 Q. Speaking again about Exhibit 10?

2 A. I believe he had that view.

3 Q. So he had an opportunity at length,
4 and so did his staff, I presume, to review the
5 Guidelines for Land Use Planning for 1980; he had an
6 opportunity, I presume, to hear from Ministry of
7 Natural Resources with respect to this document and
8 that was his conclusion; is that right?

9 A. That was his conclusion.

10 Q. So he disagrees with you; is that
11 correct, or do you agree with him on that point?

12 A. I think we probably disagree in the
13 use of the term 'equivocally'.

14 I would not make the point to say that
15 the needs and wants of local people are totally
16 excluded and are not an issue in the planning process,
17 that is most certainly not our experience.

18 Q. But that is Commissioner Fahlgren's
19 conclusion?

20 A. That appears that that is
21 Commissioner Fahlgren's view.

22 Q. Now, Mr. Monzon, page 16 of your
23 evidence, paragraph 27, you indicate that the -- sorry,
24 do you have that page?

25 A. Yes, I do.

1 MR. FREIDIN: What is the page?

2 MR. CASTRILLI: Page 16.

3 Q. Sorry, do you have that page?

4 A. Yes, I do.

5 Q. You indicate there that the purpose
6 of land use planning was to determine which --

7 MR. CASTRILLI: Actually, Mr. Chairman, I
8 am wondering, I am about to embark on a new segment of
9 cross-examination. I am wondering whether it wouldn't
10 be appropriate to have a break at this point.

11 THE CHAIRMAN: Okay. Let's take 15
12 minutes at this point.

13 Thank you.

14 ---Recess at 3:20 p.m.

15 ---Upon resuming at 3:45 p.m.

16 THE CHAIRMAN: Thank you.

17 MR. FREIDIN: Mr. Chairman, Mr. Castrilli
18 has kindly offered me the opportunity to address one
19 matter to be discussed tomorrow, or about the matters
20 to be discussed tomorrow.

21 In discussion with counsel over the noon
22 hour it was somewhat unclear exactly what was going to
23 happen tomorrow, whether in fact it was the Board's
24 desire to really find out what the position of the
25 Ministry of Natural Resources and the Ministry of the

1 Environment were on the issue that we raised without
2 hearing submissions from others, or whether it was to
3 hear submissions from others, perhaps depending on what
4 was said by representatives of the two ministries.

5 THE CHAIRMAN: I think our desire was to
6 canvass the issue from all the parties' perspective,
7 leading off with the Ministry of the Environment and
8 the Ministry of Natural Resources so that your position
9 is on the record and then the others would put on
10 whatever their positions are.

11 And I do not know if the end result of
12 this will require a ruling by the Board as to what we
13 think is in front of us, or that kind of thing; maybe
14 it will be clarified to the extent that no ruling is
15 necessary.

16 But I think it is important, in this
17 case, that all of us understand as clearly as we can
18 what are the parameters of the application before us.

19 MR. FREIDIN: Okay. Two or three matters
20 then flowing from that.

21 In speaking with counsel at lunch, some
22 of them would like the opportunity, or feel that they
23 might be prejudiced if they are not allowed an
24 opportunity to cross-examine this panel, seeing that
25 the issue arose out of evidence from this panel.

1 I can certainly understand them wanting
2 to do that and my initial reaction is to say: If they
3 feel that that is something they would like to happen,
4 then - and you, Mr. Chairman, agree - I would suggest
5 that the cross-examination of this panel just continue
6 in the normal fashion, that I re-examine the panel, and
7 then we could hear whatever submissions are to be made
8 or which are required.

9 I have got a second problem as well with
10 perhaps the Board dealing with this tomorrow, either to
11 hear submissions from everybody or even if it's just
12 submissions from the Ministry of the Environment and
13 the Ministry of Natural Resources, and the problem is
14 that I obtain my instructions from Mr. Douglas and I
15 don't think it would be appropriate for me to be
16 speaking to him about forest versus timber before the
17 evidence of this panel was over, and it is not the sort
18 of matter that I think Mr. Douglas would be happy for
19 me to go to someone else to get instructions.

20 So...

21 THE CHAIRMAN: Okay. I think it is in
22 the interest of everybody that when we deal with this
23 issue we deal with it to the satisfaction of everyone,
24 so that everyone feels they have had an ample
25 opportunity to put forward their position on what I

1 consider to be one of the fairly important issues this
2 early in the hearing.

3 As a result of that, I think it would
4 probably be better to take your suggestion, and that
5 is, allow the cross-examination of this panel to
6 continue.

7 I know, Mr. Hunter, you were concerned
8 about dealing with this issue prior to having an
9 opportunity to cross-examine, I suspect there may have
10 been others in that position.

11 If, in fact, there are others -- well, I
12 guess there are not any others that have gone before in
13 cross-examination, other than yourself, Mr. Castrilli,
14 and, of course, you can deal with this issue in your
15 cross-examination, to some extent, if you have to. I
16 do not know what your position is.

17 So that everybody will have had a chance
18 to examine this panel and then we will deal with it
19 formally after that as a complete package and hear the
20 views of everybody.

21 MR. FREIDIN: I don't know whether that
22 may cause some difficulty with some counsel in terms of
23 availability, but...

24 MS. SEABORN: I have a problem with that
25 suggestion, Mr. Chairman, in that: As I recall last

1 week, this matter arose as a result of a clarification
2 that the Board asked for and the Board explicitly asked
3 counsel for MOE and MNR to put their position on the
4 record before we got too much further in the
5 proceedings and, on that basis, we said we would set
6 aside a time to do that.

7 This isn't a formal motion before the
8 Board, it is a question of clarification that the Board
9 has asked for.

10 Now, I would be more comfortable if
11 tomorrow morning, as Mr. Campbell had planned, he would
12 come and put MOE's position on the record. I am not
13 saying that other parties would have to necessarily
14 respond at that time, it may be that after they hear
15 MNR and MOE's position they may feel they have to seek
16 instructions from their clients for whatever reason.

17 But it seems to me that - so there is no
18 great mystery and this issue isn't blown out of
19 proportion - that MOE at least should have an
20 opportunity to just put its position on the record and
21 the parties, at that point, can continue with the
22 cross-examination and reserve their right to respond at
23 the end of the reply evidence, as Mr. Freidin said.

24 THE CHAIRMAN: Well, you can understand
25 some of the concern of Mr. Freidin in trying to obtain

1 instructions from Mr. Douglas on the issue.

2 Would you be content, for instance, if
3 the Ministry of the Environment put its position on the
4 record tomorrow and then allow the cross-examination of
5 this panel to continue by all of the parties?

6 MR. FREIDIN: I actually have
7 instructions in terms of, you know, what our initial
8 position is going to be. My concern is, so that I
9 can -- that is not a problem, but once the dialogue
10 starts, the questions start coming up which may require
11 me to obtain instructions, that is when I get...

12 THE CHAIRMAN: Okay. Would you be in a
13 position to put MNR's position on the record?

14 MR. FREIDIN: Yes.

15 THE CHAIRMAN: And you would be in a
16 position - either yourself or Mr. Campbell - to put
17 MOE's position on the record--

18 MS. SEABORN: That's right.

19 THE CHAIRMAN: --with respect to that
20 clarification, then if we allowed this panel to be
21 continued to be cross-examined.

22 MS. SEABORN: I think...

23 THE CHAIRMAN: And then at the end of
24 that, we could perhaps entertain a discussion from
25 other parties on those issues.

1 MS. SEABORN: No, and I am not
2 foreclosing, if other parties choose after Mr. Campbell
3 makes his submissions tomorrow -- if they feel they
4 would like to or want to respond right away, I am not
5 saying that we are trying to preclude that.

6 All I am saying is that in the context
7 this came up last week, I don't think the order of
8 cross-examination is an issue and it was just there was
9 no magic in tomorrow, other than the fact that it was
10 going to be a convenient time for...

11 THE CHAIRMAN: Well, the idea of setting
12 it over from last week until Wednesday was to allow
13 parties an opportunity--

14 MS. SEABORN: And so we could be here.

15 THE CHAIRMAN: --to (a) be here and (b)
16 give it some consideration.

17 MS. SEABORN: Mr. Campbell is going to
18 be here tomorrow morning for the very purpose of
19 putting that information on the record.

20 THE CHAIRMAN: Mr. Cosman?

21 MR. COSMAN: Yes. I would support the
22 suggestion of Mr. Freidin and his colleague from the
23 MOE, Mr. Chairman, for several reasons.

24 One, I think it would be inappropriate
25 for you tomorrow, after discussion, to make a ruling.

1 It is not quite clear yet what the issue is and no one
2 has brought a motion. I am not quite sure quite yet
3 what we have to address and I am sure the others -- in
4 discussing this with other counsel, some other counsel
5 are in the same position.

6 But once we have the position of the
7 ministries on the record, if someone wants to bring a
8 motion, they may do so. Then you are in a position
9 where you can make a ruling, if necessary.

10 THE CHAIRMAN: Mr. Hunter, how do you
11 feel about that?

12 MR. HUNTER: That's fine, Mr. Chairman.

13 I gather that you issued specific
14 questions to counsel; is that correct? Did you
15 identify a question that you wanted --

16 THE CHAIRMAN: Well, it was not so much
17 in the form of specific questions other than what we
18 would like addressed was the clarification as to the
19 status and the coverage of those various exemption
20 orders that were set out in the list, as well as the
21 significance of the change in terminology between the
22 description in some of those orders of forest
23 management to that of timber management as a result of
24 the change in one of the drafts of the Environmental
25 Assessment Document.

1 MR. FREIDIN: And just for clarification
2 again, you say you want clarification re: the status
3 and coverage of the various orders in the list.

4 Is that the exemption in relation - as it
5 is described in the evidence, forest management, or is
6 that all of the orders which are referred to in that
7 list which is three or four pages?

8 THE CHAIRMAN: Well, it is certainly the
9 ones that impact on this hearing. I mean, again, that
10 may be part of the clarification that is necessary
11 because some of those exemption orders refer to: "the
12 forest management" question or some of them are just
13 limited to the "timber management" question.

14 MR. FREIDIN: I understand.

15 THE CHAIRMAN: And that is where I think
16 the Board is uncertain as, to some extent, the scope of
17 what is before us.

18 But we are hoping to have that clarified
19 by hearing what MNR's position is, MOE's position is,
20 they are the ones that effected the exemption orders in
21 the first place and then, in fairness, what the
22 position of the other parties are to this matter as to
23 their interpretation.

24 And whether it happens tomorrow in its
25 entirety, or whether the two ministries put their

1 position on the record tomorrow and then we continue on
2 with the cross-examinations and the other parties put
3 their positions on at later date, does not much matter
4 at this point; we are quite willing to facilitate
5 whatever counsel will prefer to do in the
6 circumstances.

7 It is just that before we go too far down
8 the road in this hearing, we would like it clarified
9 what the significance of the change in terminology
10 really means in the light of the exemption orders.

11 Because, I think, if you carry that
12 through, it may have some impact on where we are going
13 here and what is covered.

14 MR. HUNTER: In those circumstances, Ms.
15 Seaborn's suggestion is fine.

16 THE CHAIRMAN: All right. Then, Ms.
17 Seaborn, I think what we will do is: Tomorrow at the
18 outset we will hear the Ministry of Natural Resources'
19 position, followed perhaps by the Ministry of the
20 Environment's position on those matters and then
21 proceed on with the cross-examinations.

22 And, then, at the conclusion of this
23 panel being cross-examined, we can perhaps come back to
24 it and deal with the submissions from other parties,
25 and then we will see what matters are there for

1 rulings, if any, as Mr. Cosman suggests.

2 MR. COSMAN: My only request, Mr.
3 Chairman, is that by the end of the day tomorrow
4 somebody -- or at the end of cross-examination, someone
5 feels that they want the ruling, they should do it in
6 the format that you directed at the beginning of the
7 hearing, so that we would know precisely what the issue
8 is; and they should define it in some form of
9 reasonable notice to all counsel.

10 THE CHAIRMAN: If a ruling is requested
11 on some aspect of it, that's right.

12 MR. COSMAN: If a ruling is requested,
13 yes.

14 THE CHAIRMAN: That's right. But that
15 may happen at a later date too, Mr. Cosman, when the
16 other parties get around to addressing it.

17 Ms. Seaborn?

18 MS. SEABORN: That's fine. Thank you,
19 Mr. Chairman.

20 THE CHAIRMAN: Very well.

21 Sorry, one minute, Mr. Castrilli.

22 Mr. Williams?

23 MR. WILLIAMS: Mr. Chairman, I certainly
24 have no difficulty with the procedure being proposed as
25 amended.

1 I am just wondering if we can zero in on
2 a time specific when we might be able to deal with the
3 second stage, as you have characterized it, dealing
4 first with hearing from the ministries and then
5 finishing this panel and then trying to resolve the
6 issue before this Board whether, after hearing argument
7 from counsel, whether the time specific can now be set
8 aside such as perhaps next Monday afternoon and
9 spending all of Monday dealing with this.

10 THE CHAIRMAN: Well, that depends, to a
11 certain extent, on how long this panel is going to be
12 dealt with.

13 MR. WILLIAMS: I appreciate that.

14 THE CHAIRMAN: Because there is
15 cross-examination from Mr. Hunter, from yourself and
16 maybe one or two other parties and then re-examination
17 by Mr. Freidin and it may not end by next Monday,
18 because don't forget, we are rising early on Thursday.

19 MR. DOUGLAS: It's a holiday too.

20 MR. FREIDIN: And we don't sit on Monday
21 and we don't start sitting until one o'clock on
22 Tuesday.

23 THE CHAIRMAN: That's right. We will not
24 be here Monday because of the long weekend. We are
25 starting Tuesday next week.

1 MR. WILLIAMS: I guess my only
2 difficulty, Mr. Chairman, is to make some determination
3 as to whether we deal with this issue other than this
4 week, because the second stage of the panel is coming.

5 THE CHAIRMAN: I would suggest it would
6 be unlikely we would probably get to it this week,
7 given the time restraints we are under already; it
8 would probably be some time next week.

9 MR. WILLIAMS: We can deal with it after
10 the conclusion of this panel, but no sooner than one
11 day next week.

12 THE CHAIRMAN: Well, I would suggest that
13 that would probably be appropriate, in any event; allow
14 the other parties - after they have heard the position
15 of the two ministries - and anyone else who wants to
16 comment immediately, they can at least reflect on it
17 over the weekend and we will deal with it some time
18 next week after this panel is finished.

19 Mr. Edwards?

20 MR. EDWARDS: Mr. Chairman, if this
21 commentary by the two ministry lawyers is to take place
22 prior to the conclusion of cross-examination, then
23 would you consider excluding the panel witnesses during
24 the statement?

25 Is there any problem with that for

1 counsel for the MNR if that is done, since Mr. Colborne
2 and I have a concern that we have some areas that we
3 would like to explore in cross-examination, it would
4 seem that might be an appropriate thing to do.

5 THE CHAIRMAN: You take that position,
6 Mr. Colborne as well?

7 MR. COLBORNE: I second that application,
8 Mr. Chairman.

9 MR. FREIDIN: There you go, how do I get
10 instructions from my client?

11 THE CHAIRMAN: Good question.

12 MR. FREIDIN: We are not going to be
13 hearing evidence tomorrow, all we are going to be
14 hearing is some legal argument.

15 THE CHAIRMAN: And the basis of your
16 concern, Mr. Edwards, is that you want to deal in
17 cross-examination with matters that will be the subject
18 of these clarification issues?

19 MR. EDWARDS: I think in their
20 examination-in-chief they raised the issue of the
21 purpose or the meaning or the intent behind the change,
22 and I think that's something that fairly could be
23 explored in cross-examination. And if counsel is going
24 to give a rationale, it would seem that it might be
25 appropriate to exclude the witnesses.

1 I don't think it will be for that long
2 and I don't know how long Mr. Freidin and Ms. Seaborn
3 are going to be tomorrow, but unless they are going to
4 be an entire morning, I can't understand why that's not
5 possible.

6 MS. SEABORN: It certainly won't be the
7 entire morning.

8 THE CHAIRMAN: Well, is it going to
9 prejudice your position, Mr. Freidin, if the witnesses
10 were excluded and they could have access to the
11 transcripts at some later stage after they have been
12 cross-examined, for you to get instructions?

13 MR. FREIDIN: But if they can have access
14 to the transcripts, then why can't they be here?

15 THE CHAIRMAN: No, no, but I mean, it is
16 after their cross -- you are concerned during
17 cross-examination; are you not?

18 MR. EDWARDS: Exactly.

19 My suggestion for the record had been
20 that we should conclude the cross-examinations, because
21 I thought it was possible to do that probably tomorrow
22 morning, but I don't know what Mr. Campbell's feelings
23 are in terms of being delayed until tomorrow afternoon.

24 MR. FREIDIN: I suppose if the position
25 is put on the record, then there is no -- sort of, no

1 discussion or further discussion that I may want to
2 speak to my client about, I have no problem with them
3 not being in the room.

4 THE CHAIRMAN: So you are suggesting now
5 that the position be put on the record, the witnesses
6 be excluded from the rest of the discussion on those
7 issues, and then come back in to be cross-examined.

8 Is that what you are saying?

9 MR. FREIDIN: I am sorry, you will have
10 to run that one back again.

11 THE CHAIRMAN: I am trying to understand
12 what you said in terms of when they are to be excluded.

13 MR. FREIDIN: I am saying, if discussion
14 occurs tomorrow after the position is stated, either
15 between yourself and counsel, or between other counsel
16 and yourself -- actually, maybe I won't need any
17 instructions until it is all over.

18 THE CHAIRMAN: It seems to me, if you are
19 going to be putting the Ministry's position on the
20 record in terms of MNR's position, these witnesses are
21 not going to have much to do with that position; is
22 that not correct?

23 MR. FREIDIN: That is correct.

24 THE CHAIRMAN: I think Mr. Edwards is
25 concerned that these witnesses will hear the argument

1 by other parties.

2 MR. EDWARDS: I am concerned --

3 MR. FREIDIN: Can I --

4 THE CHAIRMAN: Just one minute.

5 Mr. Edwards?

6 MR. EDWARDS: I am concerned about that,
7 I am also concerned about the fact that the witnesses
8 raised this in their examination-in-chief and I would
9 rather -- I have a very few questions in the area, and
10 I think Mr. Colborne has very few questions, so we
11 would rather hear from the witnesses rather than the
12 witnesses as refreshed or augmented by counsel as to
13 what was involved in the process.

14 THE CHAIRMAN: Would it assist if you
15 cross-examined ahead of Mr. Hunter?

16 MR. EDWARDS: I don't know if Mr. Hunter
17 has those concerns as well.

18 MR. HUNTER: My only concern is I have a
19 substantive concern with respect to the application of
20 the exemption order.

21 I don't intend to resolve that issue
22 through cross-examination; I don't intend to get into a
23 debate in cross-examination, I just simply want some
24 very specific answers to three or four questions
25 because, if I don't have those answers to those three

1 or four questions, then tomorrow I am going to be put
2 in a very difficult position in responding to MNR and
3 MOE because I will be close to leading evidence.

4 I don't want to do what my friend does,
5 is lead evidence. So all I'm hoping is Mr. Castrilli
6 will finish this afternoon so I can ask three or four
7 questions.

8 MR. CASTRILLI: I knew it would get back
9 to me.

10 THE CHAIRMAN: Tell me, Mr. --

11 MR. HUNTER: I can appreciate the
12 concern, and it very well may be -- I mean, if I can
13 just get through that tonight, and I am not
14 exaggerating, it's literally two or three -- three or
15 four points.

16 I don't know if Mr. Edwards has the same
17 three or four points or different ones than Mr.
18 Colborne, but we very well may be able to take fifteen
19 minutes or twenty minutes this afternoon and get it on
20 the record and get on with it tomorrow morning.

21 THE CHAIRMAN: All right, Mr. Castrilli,
22 how does that look as a possibility?

23 MR. CASTRILLI: If we hadn't had this
24 twenty-minute discussion, I might have suggested,
25 actually, that there might be a very strong possibility

1 of finishing by five.

2 I think I have about an hour and a half
3 left, no matter how we do it, at most.

4 MR. FREIDIN: I have difficulty with the
5 suggestion that some of the counsel are going to have
6 limited cross-examination of this panel on those issues
7 because that means when I -- because I am going to
8 re-examine this panel on a number of matters and now
9 I've got to start thinking about which question relates
10 to that and which question relates to that, and maybe
11 the whole thing should be put off.

12 THE CHAIRMAN: Right. I really think,
13 Ms. Seaborn, that we are getting into difficulties
14 because of the various interests that the parties have
15 and the various concerns that the parties have with
16 respect to trying to sandwich in part of this since
17 most of the parties feel like finishing their
18 cross-examinations first.

19 I understand the concerns with the
20 scheduling for Mr. Campbell. Could he not be contacted
21 and advised that these arguments will not be made
22 tomorrow and will be made following the completion of
23 this panel in cross-examination?

24 MS. SEABORN: Well, that could be done,
25 Mr. Chairman, it is just that what concerns me is the

1 impression that's left, in the sense that you have
2 asked us to clarify something and perhaps the way to
3 deal with it is just to have MOE say we are not calling
4 the witnesses right now, and say what its position is
5 on the record.

6 It may very well help clarify people's
7 concerns, to some extent, if MOE is in the position of
8 trying to answer the specific questions that you put on
9 Friday on the record.

10 And it seems to me to make sense to have
11 that position out as early as possible. When you asked
12 for the question of clarification last week, there was
13 nothing mentioned at that time about concern about
14 cross-examination.

15 And it seems to me that it will be
16 beneficial for all parties for that to happen sooner,
17 rather than later.

18 MR. HUNTER: I can live with that because
19 it is going to be argued one way or the other, so in
20 terms of facilitating the process...

21 THE CHAIRMAN: And that still does not
22 answer your concerns with respect to the exclusion; is
23 that correct?

24 MR. EDWARDS: That is correct, Mr.
25 Chairman.

1 MR. FREIDIN: I want to confer with my
2 client on this matter.

3 THE CHAIRMAN: On the matter of what?
4 What do you want to confer with him about?

5 MR. FREIDIN: Whether he would have any
6 difficulty with being in the room or not being in the
7 room, which now seems to be the only issue to be
8 resolved.

9 THE CHAIRMAN: Well, I am not sure it is
10 his concern whether he is in the room or not, it is
11 really Mr. Edwards' concern and Mr. Colborne's concern
12 whether they are in the room.

13 All right, listen. I think that we have
14 got to resolve this and I would like to resolve it
15 fairly quickly, and that is: I think it would probably
16 benefit the parties if they heard the position of the
17 MOE and MNR on the questions asked by the Board last
18 week. So I think it would probably be appropriate if
19 we dealt with that tomorrow in the first instance.

20 As far as whether or not the witnesses
21 should stay in the room during that clarification, I
22 cannot, frankly, Mr. Edwards, see the prejudice that
23 you are going to be under if they simply hear the
24 positions of the various ministries on those
25 clarification questions.

1 Certainly if, for some reason, there is a
2 prejudice that develops, we will make every endeavor to
3 ensure that your interests are protected through a
4 possibility of re-examination or something like that,
5 if necessary.

6 And then the cross-examinations, after
7 the two ministries have gone tomorrow, would continue
8 with Mr. Hunter and the other parties and then, if
9 necessary - and if a motion is brought formally before
10 the Board for some kind of remedy - then we would hear
11 from all the other parties some time next week.

12 It may be, as we have indicated, that the
13 matters will be sufficiently clarified tomorrow to end
14 the issue; we do not know really until we have heard
15 from them. So I think we should probably proceed on
16 that basis.

17 So, Mr. Castrilli, perhaps you could just
18 continue now with your cross-examination and we will go
19 as long as it takes, I think, to finish your side of it
20 off tonight.

21 MR. CASTRILLI: Thank you, Mr. Chairman.

22 Q. Mr. Monzon, I believe I referred you
23 to page 16, paragraph 27 of your witness statement.

24 You indicated there that the purpose of
25 the land use planning process was to determine which

1 areas of the province had the greatest potential to
2 provide benefits necessary to achieve province-wide
3 objectives and to identify where potentially competing
4 interests existed.

5 Now, I believe you already indicated this,
6 but just for the record at this stage in the
7 proceedings, confirm that a province-wide program
8 objective is -- one example of one is the one that is
9 referred to at page 253 of your evidence respecting a
10 wood production output level of 9.1-million cunits by
11 the year 2020.

12 MR. MARTEL: Can I ask for clarification
13 where you are at?

14 MR. CASTRILLI: On page 16, paragraph 27.
15 I just referred the witness to page 253 of his
16 statement of evidence which is actually Document 24 in
17 Exhibit 6.

18 MR. MONZON: Yes, that is correct.

19 MR. CASTRILLI: Q. Thank you. Now, is
20 it my understanding that an objective such as this was
21 expected to meet in the collective production targets
22 we find in the various District Land Use Guidelines?

23 A. The 12.9-million cunits represents a
24 production target of growth to be met by the year 2020.
25 In the Regional Land Use Plans and the District Land

1 Use Guidelines, we had to move from that growth target
2 to a timber production target.

3 Q. What is the difference between the
4 two?

5 A. Well, one is the amount of timber
6 that you want to have growing by a particular level,
7 and that is the production target of 9.1 cunits by the
8 year 2020.

9 Q. What was the other?

10 A. Timber production target. I think we
11 have discussed that earlier in terms of how that
12 relates to industrial demand.

13 Q. I see. All right, thank you.

14 Can we turn to page 118 of your evidence,
15 it is actually part of the Wawa Guidelines which
16 commences at page 92.

17 There is a reference at page 118 under
18 the heading (c), Production Target for Timber For
19 894,000 net merchantable cubic metres of conifer, et
20 cetera, at the bottom of page 118?

21 A. That is correct.

22 Q. Over onto page 119 is where it
23 completes, and that's to be met by the year 2000?

24 A. That is correct.

25 Q. Can you advise the Board how the

1 production targets were established and what the wood
2 production objective for the year 2000 is, the
3 provincial wood production objective?

4 A. The provincial wood production
5 objective would be achieved by taking the targets from
6 the regional land use planning exercise northwest to
7 northeastern Ontario, together with the exercise that
8 we have done for southern Ontario in putting those
9 together.

10 The way in which the production target
11 was achieved was by looking at -- initially at the
12 resource base in terms of potential and looking at the
13 resource base relative to such issues as potential,
14 capability, industrial demand, those sorts of things,
15 looking at what could be -- what the potential was and
16 what the present situation was at the district level,
17 rolling that upward to the regional level and to the
18 provincial level and then back down.

19 And then it went back down through the
20 system, as I have already indicated, there were
21 allowance and adjustments made for, for example,
22 single-use activities or single uses; the best example
23 being provincial parks, which were taken out and
24 resulted, if you want, in production being reassigned
25 through the various districts.

1 Q. Thank you. Can you confirm for me
2 that not even Dean Baskerville was able to discover
3 what the year 2000 objective was, how it was calculated
4 or how a volume target such as the one from Wawa was
5 established?

6 A. I believe that's the -- and don't
7 misunderstand me, but I believe that's the thrust of
8 his remarks. I don't recall his specific words.

9 Q. Page 70 of Exhibit 16, the bottom of
10 that page.

11 A. Yes.

12 Q. Dean -- sorry, page 70 of Exhibit
13 16.

14 Dean Baskerville indicates there that the
15 timber targets in these documents - he is referring
16 there to the Strategic Land Use Plan and the District
17 Land Use Guideline, is:

18 "Both of them refer to the year 2000."

19 MRS. KOVEN: Excuse me, Mr. Castrilli,
20 can you pronounce the heading on that paragraph?

21 MR. CASTRILLI: SLUP and DLUG I believe
22 is how it is pronounced; Strategic Land Use Plan and
23 District Land Use Guideline is what the acronym is for.

24 Q. Dean Baskerville in the last
25 paragraph on that page indicates that the timber

1 targets in both those types of documents were
2 established by distributing downwards a provincial wood
3 production objective for the year 2000, and he then
4 goes on to say:

5 "It has not been possible to discover
6 what the year 2000 objective was, how it
7 was calculated or how these volume
8 targets were established."

9 Do you see that there?

10 A. Yes, he is indicating that -- he is
11 saying: "Although a number of different versions were
12 encountered--", but he goes on to say that:

13 "There is no evidence from his analysis
14 upwards to the provincial level to
15 discover that the resource demand can in
16 fact support the goals."

17 Which is, in essence, what I am saying happened
18 relative to potential and capability.

19 Q. So the sum and substance of that
20 paragraph was, notwithstanding Dean Baskerville's
21 efforts on behalf of the province, for whatever
22 reasons, he was not able to determine how it is that
23 the target for the year 2000 -- objectives for the year
24 2000 were established, notwithstanding that was within
25 his terms of reference; is that correct?

1 A. Well, it certainly indicates to me
2 that the process was not clearly defined or not
3 recorded at the various districts that he looked at.

4 Q. So you are saying he made a mistake?

5 A. I am not saying he has made a
6 mistake, he has just made -- I am saying in the areas
7 that he was investigating, the information may not have
8 been available, it may have been poorly available, or
9 it may not have been well recorded.

10 Q. But, Mr. Monzon, he is looking not
11 only at the District Land Use Guidelines, he is looking
12 at the SLUPS which are far broader in terms of
13 geographic coverage; is he not?

14 A. That's correct.

15 Q. So you are saying that with all the
16 scope that was available to him in looking at the SLUP
17 process, he somehow was not able to determine something
18 as fundamental as what he outlines at the bottom of
19 page 70 and 71?

20 Doesn't that suggest to you that the
21 information simply wasn't available period to be
22 provided to him by MNR? Isn't that the most reasonable
23 conclusion you draw from that paragraph?

24 A. That's certainly a conclusion you can
25 draw, that the information was not available or

1 available in the form that was understood.

2 Q. So the information, if it is
3 available, is not available in a form that it can be
4 understood by Dean Baskerville?

5 A. That's a possibility.

6 Q. Then who would be able to understand
7 it if not Dean Baskerville?

8 A. I am not trying to get into a
9 situation where I am testing the credibility of Dean
10 Baskerville.

11 What I am saying is that the information
12 may have been -- it may or may not have been available.
13 And if it was available, it may have been available in
14 such a form that it was not apparent to him, and I
15 would go on and say it may not have been apparent to
16 some of the staff in the district office either.

17 In other words, it may have been recorded
18 in such a way that it not leak out and may not be
19 readily retrievable from the file.

20 Q. Is this the kind of information that
21 will be available in the subsequent panel before this
22 Board and, if so, which panel?

23 MR. FREIDIN: I don't believe that it was
24 going to be called in any other panel. If further
25 evidence is led in relation to this matter, I will

1 provide Mr. Castrilli and the Board with sufficient
2 notice.

3 MR. CASTRILLI: Perhaps I can simply ask
4 that whatever information is available that led
5 somebody to understand the relationship that is not
6 understood at the bottom of page 70 and 71, that it be
7 produced to the parties and this Board.

8 THE CHAIRMAN: Well, Mr. Monzon, are you
9 stating that, in your opinion, the information was
10 available as opposed to it not being available at all
11 anywhere?

12 MR. MONZON: No, Mr. Chairman. I am
13 stating that it may very well be in the particular area
14 that Mr. Baskerville was in, and he visited a number of
15 districts, I can't recall which ones.

16 But of those six districts, the
17 information may not have been or it may have been there
18 in such a form that it wouldn't be readily apparent.
19 There may have been some staff changes, there may have
20 been -- the files may have been stored. I don't know.
21 I can't comment on it.

22 Obviously, Dean Baskerville was not able
23 to establish the relationship and that's a problem and
24 we have to...

25 THE CHAIRMAN: If somebody went there

1 today would they have the same problem?

2 MR. MONZON: Could very well be.

3 THE CHAIRMAN: I guess, just to follow up
4 from Mr. Castrilli, if you or Mr. Douglas are not aware
5 of whether or not that information is available, who
6 would be?

7 MR. MONZON: The unit forester, the
8 district manager, the forest management supervisors and
9 the various districts concerned should be the ones that
10 should be aware of that information and where it is
11 located.

12 MR. CASTRILLI: Maybe I can make that in
13 the form of a request for production.

14 THE CHAIRMAN: You are not necessarily
15 calling any of those people--

16 MR. FREIDIN: That's correct.

17 THE CHAIRMAN: --that may answer that
18 question specifically, so...

19 MR. FREIDIN: I will make some enquiries
20 and advise the Board whether we can provide additional
21 information to the evidence given by Mr. Monzon as to
22 how it was actually done.

23 I understand what you are looking for is
24 some paper to, in some way, corroborate what Mr. Monzon
25 has said. We will deal with that matter and advise the

1 Board.

2 MR. CASTRILLI: That's fine, Mr.

3 Chairman.

4 THE CHAIRMAN: Very well.

5 MR. CASTRILLI: Q. Now, Mr. Monzon, you
6 have correctly noted what was my next area of
7 cross-examination at the top of page 71.

8 Dean Baskerville indicates:

9 "There is no evidence of analysis from
10 the resource base up at the management
11 --"

12 Sorry:

13 "There is no evidence of analysis in the
14 resource base to the mangement units
15 upward to the provincial level to
16 discover if the resource dynamics can, in
17 fact, support the stated goals."

18 It is at the top of page 71 of Exhibit
19 16, another conclusion of Dean Baskerville.

20 Do you agree with that conclusion?

21 MR. MONZON: A. Certainly, that's the
22 conclusion he has reached based on the areas he had
23 visited.

24 Q. Would you agree that this is again
25 contrary to the evidence you gave before the Board on

1 May 12th that provincial targets or a reassignment back
2 down to the districts or a number of the districts was
3 provided up to the regional and provincial levels of
4 the MNR; is it not?

5 A. I would not necessarily agree that it
6 is contrary. I would agree that -- I would make the
7 point that Dean Baskerville has no evidence that it
8 happened.

9 Q. Where he looked?

10 A. Where he looked.

11 Q. Can I ask you, Mr. Monzon, how, if
12 you know -- did Dean Baskerville have his choice of
13 places where we could look and did MNR suggest places
14 he could look?

15 A. I don't know.

16 Q. I am speaking of districts now
17 because I gather he chose management units in six
18 different districts; is that right?

19 A. I am not aware of -- I don't recall
20 specific events.

21 Q. So you don't know whether the process
22 would have been: Where can I conduct my investigation
23 so that I can determine how MNR establishes objectives
24 such as the sort -- is that something that you don't
25 know about?

1 A. I am not sure of the way in which he
2 went about this, the questions he asked, the guidance
3 he got on those issues.

4 MR. CASTRILLI: I will ask again, Mr.
5 Freidin, whether anyone is going to be giving evidence
6 who would have been involved in the Baskerville
7 interaction, let's put it that way?

8 MR. FREIDIN: In terms of the actual
9 study that he did, where he went, what he had access
10 to, and that sort of thing?

11 MR. CASTRILLI: Yes.

12 MR. FREIDIN: I wasn't intending to lead
13 evidence as to how he got what is in his report.

14 MR. CASTRILLI: Perhaps - so I don't
15 force you to call a witness you are not planning to
16 call - can the information simply be provided to the
17 extent -- I presume MNR does know exactly where Dean
18 Baskerville went.

19 MR. FREIDIN: I think it is in his report
20 where we went.

21 MR. CASTRILLI: If there is anything
22 additional that's not there that sheds light on that,
23 will you make it available?

24 MR. FREIDIN: Mr. Armson will be leading
25 evidence in the next panel and will be indicating that

1 an action plan was dealt with in Dean Baskerville's
2 report.

3 Maybe he could provide some of that
4 information.

5 MR. CASTRILLI: I am content to leave it
6 to that panel. That's the next panel; is that right?

7 MR. FREIDIN: Yes.

8 THE CHAIRMAN: The part of the problem is
9 everybody is trying to ascertain what Dean Baskerville
10 did or didn't do without conferring at all with Dean
11 Baskerville, who probably knows exactly what he did and
12 did not do.

13 MR. CASTRILLI: Q. Mr. Monzon, if I
14 could just pose a hypothetical to you -- as if some of
15 my questions have not been. If Dean Baskerville --

16 THE CHAIRMAN: Excuse me.

17 MR. MONZON: Can I give a hypothetical
18 answer?

19 THE CHAIRMAN: There is no hypothetical
20 answer, but they are sort of wondering - and I think we
21 questioned this a couple of day ago - whether anyone is
22 intending to call Dean Baskerville and nobody sort of
23 volunteered at the time.

24 Whether the Board will do that of its own
25 accord is another matter, that will have to await

1 further developments, but it seems that there is some
2 evidence that is relevant to this whole period that is
3 certainly within Dean Baskerville's knowledge and may
4 go beyond the scope of his report.

5 It would probably be helpful to have him
6 here at some point to testify, but we will leave it at
7 that at this point.

8 MR. CASTRILLI: Maybe let me just put the
9 question this way and get on to another topic.

10 Q. Mr. Monzon, if Dean Baskerville's
11 understanding was the correct one, would that not
12 suggest to you that the land use planning process, in
13 fact, did not substantially influence the
14 pre-determined planning policy with respect to the
15 timber targets and objectives?

16 MR. MONZON: A. If his conclusion at the
17 bottom of page 70 is correct, yes.

18 Q. Thank you.

19 A. Top of page 71 is evidence of
20 analysis and I think that is a different issue.

21 Q. Yes, that's fine. Thank you.

22 Would you also confirm for me, Mr.
23 Monzon, that this conclusion of Dean Baskerville's
24 reconfirms Commissioner Fahlgren's concern that we
25 discussed earlier; that is, the extent to which the

1 land use planning process can affect changes in
2 fundamental provincial policy or a provincial policy
3 thrust within the Ministry of National Resources, and
4 that is that that capability is open to serious
5 question?

6 A. I am sorry, could you repeat that
7 please?

8 Q. Do you recall our discussion about
9 whether land use planning process can fundamentally
10 affect a provincial policy and that was a concern that
11 Commissioner Fahlgren had--

12 A. Yes.

13 Q. --when we were discussing his report
14 earlier?

15 A. Yes.

16 Q. And would you not agree that what
17 Dean Baskerville and Commissioner Fahlgren are speaking
18 about on this point is that they are concluding the
19 same thing, the land use planning process cannot
20 fundamentally affect policy within MNR and that the
21 ability to do so is open to serious question?

22 A. Certainly if those conclusions are
23 correct and if there is some doubt.

24 Q. Thank you.

25 A. I think as part of that answer

1 though, it is worthwhile noting, the policy -- or the
2 impact that the review by the various people and
3 stakeholders in the planning area had on the parks
4 system and the substantial impact the people had on
5 that system and, in fact, a review of the total number
6 of candidates in the system as it started out, I
7 believe, was in the order of 260, and as a result of
8 the analysis and review and discussion and input
9 brought that number down to some 155, thereabouts, that
10 were recommended for provincial park status.

11 So I would point to that as a substantial
12 indicator of the impact that people and stakeholders do
13 have relative to the policy-setting process in the
14 Ministry.

15 Q. How many provincial parks have
16 actually been designated as a result of that process?

17 A. I believe it is in the order of 100.

18 Q. Out of the original 245?

19 A. If I recall the numbers generally,
20 there was some 260 that were put forward for discussion
21 at the district land use planning exercise, and I
22 believe there was some 155 that were recommended for
23 park status as a result of that exercise.

24 I could be out a little bit on the
25 numbers, but that is the general area.

1 Q. When was that recommendation made, was
2 that the result of your report?

3 A. No, the recommendation would have
4 come out of each of the individual district land use
5 planning exercises, so you would have to total up all
6 of the recommendations.

7 Q. They all were published in 1983;
8 weren't they?

9 A. That's right.

10 Q. So since 1983 when that -- you say
11 155 parks were recommended--

12 A. I believe that is right.

13 Q. --only 100 have been approved; is
14 that your understanding?

15 A. My understanding is that in the order
16 of 100 have been approved. It could be up -- and I am
17 not conversant with the numbers, it could be 120. It
18 is in that order.

19 Q. But you are not certain?

20 A. That's right.

21 Q. Would you agree with me that the
22 volume targets in the SLUPs and the DLUGs were
23 calculated partly by partitioning management units
24 among districts and regions, since there is not an
25 exact overlay of management units on either the

1 administrative regions or districts?

2 A. Yes, I believe that would be correct.

3 Q. And would you agree that too is Dean
4 Baskerville's conclusion?

5 A. I am sorry, could you repeat the
6 question again?

7 Q. Would you agree that the target --
8 the volume targets in the SLUPs and the DLUGs were
9 calculated partly by partitioning management units
10 among districts and regions since there is not an exact
11 overlay of management units on either the
12 administrative regions or districts?

13 A. I am having trouble with your term
14 "calculated partly". As I interpret your question, you
15 are talking at the initial stage when things like
16 potential and capability and industrial demand were
17 initially looked at at the local level.

18 Are you talking at the start of the
19 exercise or at the end of the exercise?

20 Q. Well, let's look at page 71 of
21 Exhibit 16, the first full paragraph on that page.

22 A. Yes.

23 Q. Dean Baskerville says:

24 "The volume targets in the SLUP and
25 DLUG appear to have be calculated partly

1 by partitioning management units among
2 districts and regions since there is not
3 an exact overlay of mangement units on
4 either the administrative regions or
5 districts."

6 The discussion we have had from time to
7 time over the last two days.

8 A. Yes.

9 Q. Would you agree that Baskerville sees
10 that as a difficulty?

11 A. Yes, he does.

12 Q. Would you also agree that as a result
13 of this problem this makes it impossible to evaluate
14 progress with respect to targets, since all forest
15 management is designed and implemented at the level of
16 the management unit?

17 A. Well, it can be a problem depending
18 on the degree of specifics -- I can never say the word,
19 to the degree of preciseness that one wants.

20 The timber management planning targets, I
21 think as have been indicated, are over a five-year
22 period and the targets within the District Land Use
23 Guidelines, while they refer to targets to the year
24 2020, are in essence annual.

25 So you have a situation where you have an

1 issue with the administrative boundaries not matching
2 necessarily; that is, relative to districts and forest
3 management units, and you also have difficulty or an
4 issue relative to time.

5 And I think we have indicated earlier
6 that the intention in the evaluation of those targets,
7 in terms of the degree to which they are being
8 achieved, that the Land Use Guideline target is used -
9 I think we have used the term benchmark - to determine
10 the degree to which the targets are being achieved and
11 degree to which progress is being made in the district.

12 Q. Do you agree or disagree with Dean
13 Baskerville when he says it is impossible to evaluate
14 management progress because of this?

15 A. Well, certainly if he is looking at
16 it from a standpoint of, you know, one year at a time,
17 yes, it would be very difficult.

18 I hate to use the word impossible because
19 I am not sure of the mathematical techniques that might
20 be available to move the numbers around between
21 administrative districts and management units in
22 particular.

23 Q. So are you saying that Dean
24 Baskerville got it wrong?

25 A. No, I am not saying he got it wrong.

1 I am saying that the -- if you go on a year-by-year
2 basis, you have got real difficulty.

3 But I am saying the intention in looking
4 at the degree to which targets were being achieved in
5 the district relative to timber management, were on the
6 basis of benchmarks, they were on the basis of progress
7 over that five-year period and was something we wanted
8 to be able to look at and measure, in essence, how well
9 the job was being done.

10 Q. Would you agree that because the
11 strategic land use planning process and the District
12 Land Use Guidelines and the management plans are on
13 different land bases, there is no unambiguous way to
14 evaluate management progress as achieved on the ground
15 in the management units with respect to the targets
16 defined in the Strategic Land Use Plans and District
17 Land Use Guidelines?

18 A. Again, I would make the same response
19 as I did to the previous question in terms of
20 benchmark.

21 Q. You are aware that that question I
22 just asked you is also another conclusion of Dean
23 Baskerville?

24 A. Yes, I am.

25 I think it is fair to say that we are not

1 talking about a precise system here, but I think it is
2 also fair to say that we are talking about a system
3 that is much more precise than it ever has been in the
4 past and we are continually looking at improvements in
5 that.

6 Q. Let me put the question to you this
7 way: Isn't it really clear that Dean Baskerville is
8 saying it is not possible to set targets on one land
9 base, design and carry out the management to reach
10 these targets on a different land base, and then take
11 only the management actions that overlay the first land
12 base to evaluate progress.

13 Isn't that what he is saying?

14 A. Well, he is saying we are not doing
15 it very well or he is saying -- and/or he is saying
16 that the evidence is such that we are not -- that it
17 doesn't appear that we are doing it very well.

18 Q. He is also saying that the logic of
19 doing it that way is badly flawed, that is exactly the
20 position he is taking in the last sentence in that
21 paragraph; is he not?

22 A. That is the position he is taking.

23 Q. And that is his conclusion based on
24 his review of what MNR made available to him; is that
25 right?

1 A. Yes, that's...

2 Q. Sorry?

3 A. That is his conclusion based on the
4 review that he did in the context of this -- of his
5 undertaking. Again, not to put too fine a point on it,
6 I am not sure what he asked for and we gave him, I am
7 not ...

8 Q. Well --

9 A. No, it is the earlier question.

10 Q. It still raises the same question
11 that the Chairman raised earlier, who set his terms of
12 reference, MNR or Dean Baskerville?

13 A. The Minister of Natural Resources set
14 his terms of reference.

15 Q. Well then, did Dean Baskerville
16 fulfill his terms of reference?

17 A. Yes, I believe he did.

18 Q. And he did what he was asked to do by
19 MNR; is that right?

20 A. That's correct.

21 Q. Thank you.

22 Page 17 of your evidence, paragraph 31,
23 you say there that:

24 "The regional plans were the springboard
25 for the next phase of land use

1 planning which was the District Land Use
2 Guideline process."

3 Can you confirm for me that originally
4 the District Land Use Guidelines were, in fact,
5 intended to be District Land Use Plans?

6 A. That was the original terminology.

7 Q. And, in fact, if we look at Exhibit
8 10, which we have referred to earlier and I think we
9 read parts of it into the record where it talked about
10 District Land Use Plans, that concept was reflected in
11 the 1980 guidelines; is that right?

12 A. That's correct.

13 Q. Will you advise the Board why the
14 District Land Use Plans became District Land Use
15 Guidelines and what the difference is between the two,
16 as perceived by either yourself or the Ministry, and
17 what the significance is for the Class Environmental
18 Assessment.

19 A. The title was changed given that it
20 was not the intention of the Ministry to utilize a
21 District Land Use Plan as an entity onto itself.

22 I think I indicated earlier that planning
23 is designed to be a statement of how to best use the
24 resources of an area to best achieve the objectives --
25 sorry, the land use planning is the best use of land

1 and resources in an area to achieve the program
2 objectives of the Ministry.

3 Land use plans, the term "plan" has a
4 legal connotation closely tied to official plans that
5 were developed by the Ministry of Housing/Ministry of
6 Municipal Affairs. I am not just totally sure of the
7 responsibility there.

8 And it was certainly not the intent of
9 planning at the district level of this Ministry to tie
10 managers to very specific things that had the legal
11 context that must be done.

12 The intention was to provide a set of
13 guidelines which would provide direction and would --
14 but, at the same time, would provide managers with
15 flexibility.

16 As a result, the titles of the document
17 were changed to reflect that and -- not the titles of
18 the documents were changed, but the decision was made
19 that the next level of planning would involve the
20 production guidelines as opposed to plans.

21 Q. And you have indicated earlier that
22 the Ministry of Natural Resources did not want the
23 Environmental Assessment Act to apply to these
24 guidelines; is that right, or did you say that earlier?

25 A. I don't think I said that.

1 Q. Well, I am asking you now, is that
2 your position?

3 MR. FREIDIN: Well, what is the relevance
4 of that, Mr. Chairman? These guidelines were put in
5 and they have been described as what they are. I won't
6 repeat the evidence. That is how the Ministry views
7 them, and that is how we would submit this Board should
8 view them, at least in terms of understanding the
9 evidence of the proponent.

10 I don't see where this line of
11 questioning is going and I don't think it is of any
12 assistance.

13 MR. CASTRILLI: Well, I think it is
14 entirely relevant to the issue of -- we have already
15 confirmed - and this was confirmed in
16 examination-in-chief - that the guidelines have no
17 legal status, that is one thing.

18 I am asking a different question now:
19 Does MNR want the Environmental Assessment Act to apply
20 to the guidelines, and I haven't had an answer to that
21 and I don't understand why that is not a relevant
22 question.

23 They have been filed as part of the
24 evidence here.

25 THE CHAIRMAN: I think it is relevant to

1 some extent, Mr. Freidin, because the Act, as you know,
2 covers plans and undertakings and projects and things
3 like that.

4 It may or may not include guidelines, and
5 I think it is relevant as to what the Ministry feels
6 with respect to whether guidelines should or should not
7 be under the Act, should or should not be part of the
8 proceedings.

9 MR. FREIDIN: Well, part of these
10 proceedings?

11 THE CHAIRMAN: Yes.

12 MR. CASTRILLI: Yes.

13 THE CHAIRMAN: That is your question; is
14 it not?

15 MR. CASTRILLI: Yes, that was my
16 question.

17 MR. MONZON: I am sorry, could you repeat
18 the question then?

19 MR. CASTRILLI. Q. Does the Ministry of
20 Natural Resources want the Environmental Assessment act
21 to apply to these guidelines or not, in the context of
22 these proceedings?

23 MR. FREIDIN: Now, Mr. Chairman, I can
24 advise you that the undertaking which is before you
25 is -- the undertaking as defined does not include

1 District Land Use Planning.

2 It is the position of the proponent that
3 this hearing is not intended to be a review in any way
4 of the district land use planning exercise.

5 The evidence in relation to District Land
6 Use Guidelines and Strategic Land Use Plans, in
7 general, was to indicate that these documents exist,
8 and to indicate how they can come into play in resource
9 management planning and, to be more particular,
10 evidence will be led later as to how those documents
11 can come into play in terms of managing timber at the
12 management unit level, which is the same thing as
13 saying, resource management in relation to timber; and
14 how they come into play in terms of the planning or the
15 activities which are described clearly in the EA
16 Document as being those activities which constitute
17 timber management.

18 MR. CASTRILLI: Mr. Chairman, I take the
19 position that I am entitled to an answer from this
20 witness with respect to why MNR does not want these
21 guidelines to be subject to these proceedings.

22 MR. MONZON: It is not the purpose of the
23 undertaking.

24 MR. CASTRILLI: Q. I am sorry, your
25 answer is...?

1 MR. MONZON: A. There are several
2 reasons but, again, we have described the purpose of
3 the undertaking on page 8 of the Class Environmental
4 Assessment Document:

5 "To provide a continuous predictable
6 supply of wood for the forest products
7 industry."

8 We further go on to describe what we mean
9 by timber management and related activities.

10 Q. Mr. Monzon, are you telling me that
11 we have had these guidelines filed for the purposes of
12 indicating to the Board how the undertaking is already
13 properly overseen by the land use planning process?

14 A. No, we are indicating -- we are
15 trying to make the point to the Board that the purpose
16 of providing the background information relative to the
17 strategic land use planning and district planning
18 exercises that went on in the late 1970s and early
19 1980s, is providing a backdrop and a context within
20 which resource management planning is going to be done.

21 With respect to a specific question as to
22 whether or not District Land Use Guidelines should be
23 subject to environmental assessment in general, the
24 answer is: No, there is an agreement between the
25 Ministry of Natural Resources and Ministry of the

1 Environment to that effect.

2 Q. And what agreement are you referring
3 to?

4 A. If you are going to ask me for a
5 specific piece of paper which says that, I don't have
6 that information.

7 Q. Can I ask you to provide the Board,
8 if there is such a piece of paper, a copy of that piece
9 of paper?

10 A. One of the examples of that is
11 contained in Mr. Fahlgren's report. There is evidence
12 within that report -- a statement by the Ministry of
13 the Environment that the land use planning exercise of
14 the Ministry is not subject to the Environmental
15 Assessment Act.

16 Q. I am sorry, there is a statement by
17 the Ministry of the Environment?

18 A. By the Ministry of the Environment.

19 Q. So that is what you mean by an
20 agreement?

21 A. No, I am saying that is an example of
22 it.

23 Q. Okay. But you referred to an
24 agreement. Is there a written agreement?

25 A. I don't know if there is a written

1 agreement or not.

2 Q. Could I simply then ask you to
3 determine if there is such a written agreement and, if
4 there is, would you provide it to the Board?

5 MR. FREIDIN: Can I take that under
6 advisement, Mr. Chairman? I am not too sure whether it
7 is relevant and I would like to talk to -- to consider
8 that.

9 MR. HUNTER: Mr. Chairman, I don't want
10 to interfere with my friend's cross-examination, but
11 Mr. Freidin said - correct me if I'm quoting him
12 wrongly - the district land use planning, the EA Board
13 cannot review the district land use planning.

14 Well, I have in front of me a substantial
15 amount of material prepared by MNR which addresses all
16 kinds of good things that they are going to do: (a) in
17 the terms of the history, and (b) in terms of future
18 activity in relationship to the native community.

19 In my simple mind, I understand that as
20 district land use planning or land use planning. Is
21 that not something which is to be reviewed by this
22 Board, Mr. Freidin?

23 THE CHAIRMAN: You see, Mr. Freidin, part
24 of the problem - and I think we are all suffering from
25 this to some extent - is we are not absolutely certain

1 as to what exactly is in front of us.

2 I think the Board has some confusion on
3 that point. It is obvious from the parties that they
4 have some confusion as to what is or what is not
5 included and before us for adjudication and this was,
6 frankly, behind the Board's queries last week as to the
7 status of some of these exemption orders and/or other -
8 I guess I could add into that - and/or other agreements
9 between the Ministries as to what is or is not included
10 in terms of the undertaking.

11 I am not saying unusual, but it is
12 different from the norm in terms of an environmental
13 assessment that both the Board is used to and, I would
14 suggest, many of the parties are used to in that it is
15 not specifically project specific or site specific.

16 We are sort of looking at an overall
17 process as it impacts on a particular resource
18 activity, that of timber management, and I think we
19 have to really try and define, to some extent, what is
20 before us and what is not before us.

21 MR. FREIDIN: Well, you said it isn't one
22 of two things, but it is activity specific. This
23 environmental assessment is area specific in terms of
24 the activities for which approval is being sought.

25 THE CHAIRMAN: But these activities

1 are not carried on in a vacuum, these activities are
2 not carried on without such things as planning leading
3 up to the way and manner in which these activities are
4 carried on.

5 MR. FREIDIN: Planning governs how those
6 activities will result in a decision.

7 As to how those activities will occur,
8 where they will occur, and when they will occur, is the
9 planning which occurs at the management unit level.
10 That is what the proponent says is the subject matter
11 of this environmental assessment, the activities and,
12 therefore, the planning at that level.

13 This evidence in relation to the
14 management system, land use planning exercise is to put
15 things in some sort of context.

16 THE CHAIRMAN: Okay. But what about the
17 interface between the planning that occurs at the
18 management unit level and the planning that occurs at
19 other levels?

20 I mean, is there not an interface between
21 the planning that occurs at the management unit level?
22 It doesn't occur without guidelines imposed from
23 somewhere.

24 MR. FREIDIN: Well, we have described or
25 attempted to describe the effect or the use of District

1 Land Use Guidelines on people who prepare timber
2 management plans, you just heard a little bit about
3 that.

4 So I am not saying that you can't talk
5 about or it is improper to talk about District Land Use
6 Guidelines or anything, but the thing which is up for
7 approval is what is defined in the undertaking.

8 The Ministry of the Environment refers to
9 this Board an undertaking as defined in the document
10 and says hold a hearing in relation to that.

11 Our position is that it is quite clear
12 what that undertaking is, and it is not an undertaking
13 which includes the preparation of District Land Use
14 Guidelines, it is not an undertaking to review the
15 creation of government policy by Cabinet, that is not
16 what we are here for. I don't think I can make it much
17 clearer than that.

18 MR. CASTRILLI: May I proceed?

19 THE CHAIRMAN: Very well, Mr. Castrilli.

20 MR. CASTRILLI: Mr. Chairman, I should
21 advise that if we are going to rise at 5:30 I do not
22 believe I would be finished, but I would anticipate
23 being finished within approximately an hour tomorrow
24 morning once we start tomorrow.

25 I just thought I would let you know that

1 now.

2 THE CHAIRMAN: Okay.

3 MR. CASTRILLI: We are having so many
4 discussions inbetween.

5 THE CHAIRMAN: If we go back to just our
6 earlier conversation, in the morning we are going to
7 start off, I take it, with the positions of the two
8 ministries or would you like, at least in the morning,
9 to go for that half hour that is left or something just
10 to complete off your cross-examination?

11 MR. CASTRILLI: Well, actually --

12 MS. SEABORN: We will certainly wait
13 until Mr. Castrilli finishes his cross-examination.

14 THE CHAIRMAN: All right. There is no
15 sense in interrupting that portion of the hearing as
16 well.

17 MS. SEABORN: No, that is fine.

18 MR. CASTRILLI: I am content. I just
19 wanted to advise you that it seems unlikely I would
20 finish today, if we are rising at 5:30.

21 THE CHAIRMAN: Okay. Well, I think --
22 I mean, in view of the fact you are not going to finish
23 today, in any event, I think maybe it would be
24 preferrable if we rose today at 5:00.

25 I mean, it has been a long day and we

1 came in and spent the first hour -- now, you are not
2 deceiving us in terms of time by much more than an
3 hour; are you, Mr. Castrilli?

4 MR. CASTRILLI: Well, if we are going to
5 rise now, I think tomorrow morning I will be about an
6 hour and a half.

7 I assumed we might go to 5:30 and then I
8 would have about an hour left, but if I am not going to
9 go any further than where I am now -- I mean, I didn't
10 plan on being this long, but it is a function of the
11 answers I have been getting.

12 THE CHAIRMAN: All right

13 I think, frankly, we will rise at five,
14 we will start tomorrow at 9:30 with you and hopefully
15 we will be onto the other matter by ten o'clock.

16 And, of course, Mr. Castrilli, we are not
17 imposing deadlines on you, you have to be allowed to
18 complete your cross-examination in the manner you see
19 fit.

20 But, based on our estimations, we should
21 be able to get to the other matters by around ten
22 o'clock -- sorry, by eleven o'clock. I am sorry.

23 MR. CASTRILLI: Okay. I think we
24 should -- this is an appropriate place to break, it is
25 five o'clock, unless my watch has stopped, which is

1 also possible.

2 THE CHAIRMAN: You have three minutes to
3 go, but I do not think at this point it really matters.

4 So we will break--

5 MR. CASTRILLI: Thank you, Mr. Chairman.

6 THE CHAIRMAN: --at this point until 9:30
7 tomorrow morning.

8 MR. FREIDIN: Mr. Chairman, I did check
9 with the hotel. This room is locked every evening
10 automatically and will not be left open unless we are
11 advised by the hotel.

12 THE CHAIRMAN: We will leave our things
13 here.

14 MR. FREIDIN: Yes.

15 ---Whereupon the hearing adjourned at 5:00 p.m.,
16 to reconvene Wednesday, May 18th, 1988, commencing
17 at 9:30 a.m.

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